



**Minnesota Pollution
Control Agency**

520 Lafayette Road North
St. Paul, MN 55155-4194

MS4 SWPPP Application for Reauthorization

for the NPDES/SDS General Small Municipal Separate
Storm Sewer System (MS4) Permit MNR040000
reissued with an effective date of August 1, 2013
Stormwater Pollution Prevention Program (SWPPP) Document

Doc Type: Permit Application

Instructions: This application is for authorization to discharge stormwater associated with Municipal Separate Storm Sewer Systems (MS4s) under the National Pollutant Discharge Elimination System/State Disposal System (NPDES/SDS) Permit Program. **No fee** is required with the submittal of this application. Please refer to "Example" for detailed instructions found on the Minnesota Pollution Control Agency (MPCA) MS4 website at <http://www.pca.state.mn.us/ms4>.

Submittal: This MS4 SWPPP Application for Reauthorization form must be submitted electronically via e-mail to the MPCA at ms4permitprogram.pca@state.mn.us from the person that is duly authorized to certify this form. All questions with an asterisk (*) are required fields. All applications will be returned if required fields are not completed.

Questions: Contact Claudia Hochstein at 651-757-2881 or claudia.hochstein@state.mn.us, Dan Miller at 651-757-2246 or daniel.miller@state.mn.us, or call toll-free at 800-657-3864.

General Contact Information (*Required fields)

MS4 Owner (with ownership or operational responsibility, or control of the MS4)

*MS4 permittee name: City of Proctor *County: St. Louis
(city, county, municipality, government agency or other entity)

*Mailing address: 100 Pionk Drive

*City: Proctor *State: MN *Zip code: 55810

*Phone (including area code): 218.628.6261 *E-mail: jrohw@ci.proctor.mn.us

MS4 General contact (with Stormwater Pollution Prevention Program [SWPPP] implementation responsibility)

*Last name: Rohweder *First name: Jim
(department head, MS4 coordinator, consultant, etc.)

*Title: City Administrator

*Mailing address: 100 Pionk Drive

*City: Proctor *State: MN *Zip code: 55810

*Phone (including area code): 218.628.6261 *E-mail: jrohw@ci.proctor.mn.us

Preparer information (complete if SWPPP application is prepared by a party other than MS4 General contact)

Last name: Erdahl First name: Emily
(department head, MS4 coordinator, consultant, etc.)

Title: Water Resources Engineer

Mailing address: 418 W Superior St #200

City: Duluth State: MN Zip code: 55802

Phone (including area code): (218) 279-3000 E-mail: eedahl@sehinc.com

Verification

1. I seek to continue discharging stormwater associated with a small MS4 after the effective date of this Permit, and shall submit this MS4 SWPPP Application for Reauthorization form, in accordance with the schedule in Appendix A, Table 1, with the SWPPP document completed in accordance with the Permit (Part II.D.). ☒ Yes
2. I have read and understand the NPDES/SDS MS4 General Permit and certify that we intend to comply with all requirements of the Permit. ☒ Yes

Certification (All fields are required)

- ☒ Yes - I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted.

I certify that based on my inquiry of the person, or persons, who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of civil and criminal penalties.

This certification is required by Minn. Stat. §§ 7001.0070 and 7001.0540. The authorized person with overall, MS4 legal responsibility must certify the application (principal executive officer or a ranking elected official).

By typing my name in the following box, I certify the above statements to be true and correct, to the best of my knowledge, and that this information can be used for the purpose of processing my application.

Name: Jim Rohweder
(This document has been electronically signed)

Title: City Administrator Date (mm/dd/yyyy): 12/30/13

Mailing address: 100 Pionk Drive

City: Proctor State: MN Zip code: 55810

Phone (including area code): 218.628.6261 E-mail: jrohw@ci.proctor.mn.us

Note: The application will not be
processed without certification.

Stormwater Pollution Prevention Program Document

I. Partnerships: (Part II.D.1)

- A. List the **regulated small MS4(s)** with which you have established a partnership in order to satisfy one or more requirements of this Permit. Indicate which Minimum Control Measure (MCM) requirements or other program components that each partnership helps to accomplish (List all that apply). Check the box below if you currently have no established partnerships with other regulated MS4s. If you have more than five partnerships, hit the tab key after the last line to generate a new row.

☐ No partnerships with regulated small MS4s

Name and description of partnership	MCM/Other permit requirements involved
Regional Stormwater Protection Team (RSPT)	MCM 1

- B. If you have additional information that you would like to communicate about your partnerships with other regulated small MS4(s), provide it in the space below, or include an attachment to the SWPPP Document, with the following file naming convention: *MS4NameHere_Partnerships*.

The Regional Stormwater Protection Team (RSPT) is an information networking task force of agencies and jurisdictions. The RSPT recognizes that water does not stop at government boundaries and is bringing the area together to reduce the cost and maximize the output to address several permit requirements. The RSPT board is made up of engineers, city managers, scientists, project managers, state and university representatives, and community members. Together they have established a mission, to protect and enhance the region's shared water resources through stormwater pollution prevention by providing coordinated educational programs and technical assistance.

Members of RSPT include the City of Cloquet, City of Duluth, City of Hermantown, City of Proctor, City of Superior, Duluth Township, Fond du Lac Reservation, Lake Superior College, Midway Township, Minnesota Department of Transportation, Minnesota's Lake Superior Coastal Program (MnDNR), Minnesota Pollution Control Agency, Nonpoint Education for Municipal Officials, Rice Lake Township, St. Louis County, St. Louis River Citizens Action Committee, South St. Louis Co. Soil & Water Conservation District, University of Minnesota – Duluth, University of Wisconsin – Superior, Village of Oliver, Village of Superior, Western Lake Superior Sanitary District, and Wisconsin Department of Natural Resources.

Members have signed a Memorandum of Understanding (MOU) to formalize coordination of the RSPT, establishing a common agenda to work together on pollution prevention objectives and specific goals in a cost effective and consistent manner.

II. Description of Regulatory Mechanisms: (Part II.D.2)

Illicit discharges

- A. Do you have a regulatory mechanism(s) that effectively prohibits non-stormwater discharges into your small MS4, except those non-stormwater discharges authorized under the Permit (Part III.D.3.b.)? ☐ Yes ☒ No

1. If yes:

- a. Check which type of regulatory mechanism(s) your organization has (check all that apply):

☒ Ordinance ☐ Contract language
☐ Policy/Standards ☐ Permits
☐ Rules
☐ Other, explain: _____

- b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

Proctor City Code - 401 Sewers

Direct link:

☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_IDDEreg.*

2. If **no**:

Describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

The City will update their current ordinance or create a new ordinance to prohibit non-stormwater discharges, in accordance with permit requirements (Part III.D.3). This effort will be completed within 12 months of the date permit coverage is extended.

Construction site stormwater runoff control

A. Do you have a regulatory mechanism(s) that establishes requirements for erosion and sediment controls and waste controls? ☒ Yes ☐ No

1. If **yes**:

a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

- ☒ Ordinance ☐ Contract language
☐ Policy/Standards ☐ Permits
☐ Rules
☐ Other, explain: _____

b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

Proctor City Code - 303B Erosion and Sediment Control

Direct link:

☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_CSWreg.*

B. Is your regulatory mechanism at least as stringent as the MPCA general permit to Discharge Stormwater Associated with Construction Activity (as of the effective date of the MS4 Permit)? ☐ Yes ☒ No

If you answered **yes** to the above question, proceed to C.

If you answered **no** to either of the above permit requirements listed in A. or B., describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

The City's current ESC ordinance is as least as stringent as the MPCA Construction Stormwater (CSW) permit for most erosion and sediment control and waste control requirements. The City will review and update the current ordinance as necessary to meet and in accordance with permit requirements (Part III.D.4.a). This effort will be completed within 12 months of the date permit coverage is extended.

C. Answer **yes** or **no** to indicate whether your regulatory mechanism(s) requires owners and operators of construction activity to develop site plans that incorporate the following erosion and sediment controls and waste controls as described in the Permit (Part III.D.4.a.(1)-(8)), and as listed below:

- | | |
|--|---|
| 1. Best Management Practices (BMPs) to minimize erosion. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. BMPs to minimize the discharge of sediment and other pollutants. | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. BMPs for dewatering activities. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 4. Site inspections and records of rainfall events | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 5. BMP maintenance | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 6. Management of solid and hazardous wastes on each project site. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 7. Final stabilization upon the completion of construction activity, including the use of perennial vegetative cover on all exposed soils or other equivalent means. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |
| 8. Criteria for the use of temporary sediment basins. | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No |

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

C.3. The City will update their ordinance to require owners and operators of construction activity to incorporate, into site plans, BMPs for dewatering activities which are at least as stringent as the MPCA CSW Permit. This effort will be

completed within 12 months of the date permit coverage is extended.

C.4. The City currently has requirements for site inspections, but not to a level which is as stringent as the MPCA CSW Permit. The City will update their ordinance to be at least as stringent as the MPCA CSW Permit for site inspections. This effort will be completed within 12 months of the date permit coverage is extended.

C.6. The City will update their ordinance to require owners and operators of construction activity to manage solid hazardous waste on site to a level which is at least as stringent as the MPCA CSW Permit. This effort will be completed within 12 months of the date permit coverage is extended.

C.7. The City's ordinance currently requires the plan submittal to include stabilization of denuded areas and soil stock piles, as well as establishment of permanent vegetation. These requirements currently do not indicate time frames for stabilization. The City will update the ordinance to require owners and operators of construction activity to conduct final stabilization to a level which is at least as stringent as the MPCA CSW Permit. This effort will be completed within 12 months of the date permit coverage is extended.

C.8. The City's ordinance currently requires the plan submittal to include use of sediment basins. These requirements currently do not indicate design standards for basin sizing. The City will update their ordinance to require the use of temporary sediment basins to a level which is at least as stringent as the MPCA CSW Permit. This effort will be completed within 12 months of the date permit coverage is extended.

Post-construction stormwater management

A. Do you have a regulatory mechanism(s) to address post-construction stormwater management activities?

☒ Yes ☐ No

1. If yes:

a. Check which *type* of regulatory mechanism(s) your organization has (check all that apply):

- ☒ Ordinance ☐ Contract language
☐ Policy/Standards ☐ Permits
☐ Rules
☐ Other, explain: _____

b. Provide either a direct link to the mechanism selected above or attach it as an electronic document to this form; or if your regulatory mechanism is either an Ordinance or a Rule, you may provide a citation:

Citation:

Proctor City Code

903 Common Excavation, Drainage, Contaminated Soils, and Wetlands

1000 Land and Building Regulations

1002 Flood Plain Control

Direct link:

☒ Check here if attaching an electronic copy of your regulatory mechanism, with the following file naming convention: *MS4NameHere_PostCSWreg*.

B. Answer **yes** or **no** below to indicate whether you have a regulatory mechanism(s) in place that meets the following requirements as described in the Permit (Part III.D.5.a.):

1. **Site plan review:** Requirements that owners and/or operators of construction activity submit site plans with post-construction stormwater management BMPs to the permittee for review and approval, prior to start of construction activity. ☐ Yes ☒ No
2. **Conditions for post construction stormwater management:** Requires the use of any combination of BMPs, with highest preference given to Green Infrastructure techniques and practices (e.g., infiltration, evapotranspiration, reuse/harvesting, conservation design, urban forestry, green roofs, etc.), necessary to meet the following conditions on the site of a construction activity to the Maximum Extent Practicable (MEP):
 - a. For new development projects – no net increase from pre-project conditions (on an annual average basis) of: ☐ Yes ☒ No
 - 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
 - 2) Stormwater discharges of Total Suspended Solids (TSS).
 - 3) Stormwater discharges of Total Phosphorus (TP).

- b. For redevelopment projects – a net reduction from pre-project conditions (on an annual average basis) of:
- 1) Stormwater discharge volume, unless precluded by the stormwater management limitations in the Permit (Part III.D.5.a(3)(a)).
 - 2) Stormwater discharges of TSS.
 - 3) Stormwater discharges of TP.
3. **Stormwater management limitations and exceptions:**
- a. Limitations
- 1) Prohibit the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) when the infiltration structural stormwater BMP will receive discharges from, or be constructed in areas:

☐ Yes ☒ No

 - a) Where industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES/SDS Industrial Stormwater Permit issued by the MPCA.
 - b) Where vehicle fueling and maintenance occur.
 - c) With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.
 - d) Where high levels of contaminants in soil or groundwater will be mobilized by the infiltrating stormwater.
 - 2) Restrict the use of infiltration techniques to achieve the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), without higher engineering review, sufficient to provide a functioning treatment system and prevent adverse impacts to groundwater, when the infiltration device will be constructed in areas:

☐ Yes ☒ No

 - a) With predominately Hydrologic Soil Group D (clay) soils.
 - b) Within 1,000 feet up-gradient, or 100 feet down-gradient of active karst features.
 - c) Within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, subp. 13.
 - d) Where soil infiltration rates are more than 8.3 inches per hour.
 - 3) For linear projects where the lack of right-of-way precludes the installation of volume control practices that meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)), the permittee's regulatory mechanism(s) may allow exceptions as described in the Permit (Part III.D.5.a(3)(b)). The permittee's regulatory mechanism(s) shall ensure that a reasonable attempt be made to obtain right-of-way during the project planning process.

☐ Yes ☒ No
4. **Mitigation provisions:** The permittee's regulatory mechanism(s) shall ensure that any stormwater discharges of TSS and/or TP not addressed on the site of the original construction activity are addressed through mitigation and, at a minimum, shall ensure the following requirements are met:
- a. Mitigation project areas are selected in the following order of preference:

☐ Yes ☒ No

 - 1) Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.
 - 2) Locations within the same Minnesota Department of Natural Resource (DNR) catchment area as the original construction activity.
 - 3) Locations in the next adjacent DNR catchment area up-stream
 - 4) Locations anywhere within the permittee's jurisdiction.
 - b. Mitigation projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP.

☐ Yes ☒ No
 - c. Routine maintenance of structural stormwater BMPs already required by this permit cannot be used to meet mitigation requirements of this part.

☐ Yes ☒ No
 - d. Mitigation projects shall be completed within 24 months after the start of the original construction activity.

☐ Yes ☒ No
 - e. The permittee shall determine, and document, who will be responsible for long-term maintenance on all mitigation projects of this part.

☐ Yes ☒ No
 - f. If the permittee receives payment from the owner and/or operator of a construction activity for mitigation purposes in lieu of the owner or operator of that construction activity meeting the conditions for post-construction stormwater management in Part III.D.5.a(2), the permittee shall apply any such payment received to a public stormwater project, and all projects must be in compliance with Part III.D.5.a(4)(a)-(e).

☐ Yes ☒ No
5. **Long-term maintenance of structural stormwater BMPs:** The permittee's regulatory mechanism(s) shall provide for the establishment of legal mechanisms between the permittee

and owners or operators responsible for the long-term maintenance of structural stormwater BMPs not owned or operated by the permittee, that have been implemented to meet the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)). This only includes structural stormwater BMPs constructed after the effective date of this permit and that are directly connected to the permittee's MS4, and that are in the permittee's jurisdiction. The legal mechanism shall include provisions that, at a minimum:

- a. Allow the permittee to conduct inspections of structural stormwater BMPs not owned or operated by the permittee, perform necessary maintenance, and assess costs for those structural stormwater BMPs when the permittee determines that the owner and/or operator of that structural stormwater BMP has not conducted maintenance. ☐ Yes ☒ No
- b. Include conditions that are designed to preserve the permittee's right to ensure maintenance responsibility, for structural stormwater BMPs not owned or operated by the permittee, when those responsibilities are legally transferred to another party. ☐ Yes ☒ No
- c. Include conditions that are designed to protect/preserve structural stormwater BMPs and site features that are implemented to comply with the Permit (Part III.D.5.a(2)). If site configurations or structural stormwater BMPs change, causing decreased structural stormwater BMP effectiveness, new or improved structural stormwater BMPs must be implemented to ensure the conditions for post-construction stormwater management in the Permit (Part III.D.5.a(2)) continue to be met. ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within twelve (12) months of the date permit coverage is extended, these permit requirements are met:

B.1. The City currently requires that owners and/or operators of construction activity submit site plans for review. The City will update their ordinance(s) to require owners and/or operators of construction activity to submit site plans with post-construction stormwater management BMPs. This effort will be completed within 12 months of the date permit coverage is extended.

B.2.a-b. The City currently has criteria for peak flow for construction activities related to excavation and construction in/around wetland areas. The City will update their ordinance(s) to include requirements for the post construction management of volume, total suspended solids, and total phosphorus in accordance with permit requirements (Part III.D.5.a(2)). This effort will be completed within 12 months of the date permit coverage is extended.

B.3.a.1-3. The City currently has regulations for addressing contaminated soils, but not specifically for infiltrating in these areas. The City will amend their ordinance(s) as necessary to include limitations (prohibiting, restricting, and exceptions) for infiltration to address post-construction stormwater management, in accordance with permit requirements (Part III.D.5.a(3)). This effort will be completed within 12 months of the date permit coverage is extended.

B.4.a-f. The City currently has mitigation standards for wetland areas, but not for addressing post construction stormwater management. The City will amend their ordinance(s) as necessary to address mitigation for post-construction stormwater management of TSS and/or TP in accordance with permit requirements (Part III.D.5.a(4)).

B.5.a-c. The City will develop or update existing regulatory mechanisms to provide for the establishment of legal mechanisms between the City and owners and operators responsible for long-term maintenance of privately owned and operated structural stormwater BMPs in accordance with permit requirements (Part III.5.a(5)). This effort will be completed within 12 months of the date permit coverage is extended.

III. Enforcement Response Procedures (ERPs): (Part II.D.3)

- A. Do you have existing ERPs that satisfy the requirements of the Permit (Part III.B.)? ☐ Yes ☒ No

1. If **yes**, attach them to this form as an electronic document, with the following file naming convention: *MS4NameHere_ERPs*.
2. If **no**, describe the tasks and corresponding schedules that will be taken to assure that, with twelve (12) months of the date permit coverage is extended, these permit requirements are met:

The City currently has penalties for the violation of construction site stormwater runoff control. The city issues written notice and stop work orders as necessary to enforce compliance with their ordinance. The City will review and update as necessary the existing construction site stormwater runoff control ERPs, in accordance with permit requirements (Part III.B). The City will develop and implement ERPs for illicit discharge(s) and post-construction stormwater management in accordance with permit requirements (Part III.B). This effort will be completed within 12 months of the date permit coverage is extended.

- B. Describe your ERPs:

Proctor City Code – 303B.24: Erosion and Sediment Control – Penalty

Violations of the ordinance are deemed guilty of a petty misdemeanor and are subject to administrative fines. The City may suspend land use and/or building permits until corrective actions are taken. The City may also use escrowed

IV. Storm Sewer System Map and Inventory: (Part II.D.4.)

A. Describe how you manage your storm sewer system map and inventory:

The City's storm sewer map is currently maintained in an AutoCad format and includes the City's storm sewer conveyance system. The City is currently working with an engineering consulting firm to update their storm sewer map and inventory, in accordance with permit requirements (Part III.C).

B. Answer **yes** or **no** to indicate whether your storm sewer system map addresses the following requirements from the Permit (Part III.C.1.a-d), as listed below:

1. The permittee's entire small MS4 as a goal, but at a minimum, all pipes 12 inches or greater in diameter, including stormwater flow direction in those pipes. ☒ Yes ☐ No
2. Outfalls, including a unique identification (ID) number assigned by the permittee, and an associated geographic coordinate. ☐ Yes ☒ No
3. Structural stormwater BMPs that are part of the permittee's small MS4. ☐ Yes ☒ No
4. All receiving waters. ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

B.2. The City's current map shows outfalls, but does not include unique identification number or geographic coordinates for each. The City will update the stormwater system map to include unique identification numbers and geographic coordinates for each outfall in accordance with permit requirements (Part III.C.1.b). This effort will be completed within 12 months of the date permit coverage is extended.

B.3-4. The City will update the current map to include all structural stormwater BMPs that are a part of the MS4 and all receiving waters in accordance with permit requirements (Part III.C.1.c-d). This effort will be completed within 12 months of the date permit coverage is extended.

C. Answer **yes** or **no** to indicate whether you have completed the requirements of 2009 Minnesota Session Law, Ch. 172. Sec. 28: with the following inventories, according to the specifications of the Permit (Part III.C.2.a.-b.), including:

1. All ponds within the permittee's jurisdiction that are constructed and operated for purposes of water quality treatment, stormwater detention, and flood control, and that are used for the collection of stormwater via constructed conveyances. ☐ Yes ☒ No
2. All wetlands and lakes, within the permittee's jurisdiction, that collect stormwater via constructed conveyances. ☐ Yes ☒ No

D. Answer **yes** or **no** to indicate whether you have completed the following information for each feature inventoried.

1. A unique identification (ID) number assigned by the permittee. ☐ Yes ☒ No
2. A geographic coordinate. ☐ Yes ☒ No
3. Type of feature (e.g., pond, wetland, or lake). This may be determined by using best professional judgment. ☐ Yes ☒ No

If you have answered **yes** to all above requirements, and you have already submitted the Pond Inventory Form to the MPCA, then you do not need to resubmit the inventory form below.

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

C.1-2 & D.1-3. The City will complete an inventory of all stormwater treatment ponds, wetlands, and lakes within the City's jurisdiction. The inventory will include at a minimum, unique identification numbers, geographic coordinates, and type of feature, in accordance with permit requirements (Part III.C.2). This effort will be completed within 12 months of the date permit coverage is extended.

E. Answer **yes** or **no** to indicate if you are attaching your pond, wetland and lake inventory to the MPCA on the form provided on the MPCA website at: <http://www.pca.state.mn.us/ms4>, according to the specifications of Permit (Part III.C.2.b.(1)-(3)). Attach with the following file naming convention: *MS4NameHere_inventory*. ☐ Yes ☒ No

If you answered **no**, the inventory form must be submitted to the MPCA MS4 Permit Program within 12 months of the date permit coverage is extended.

V. Minimum Control Measures (MCMs) (Part II.D.5)

A. MCM1: Public education and outreach

1. The Permit requires that, within 12 months of the date permit coverage is extended, existing permittees revise their education and outreach program that focuses on illicit discharge recognition and reporting, as well as other specifically selected stormwater-related issue(s) of high priority to the permittee during this permit term. Describe your **current** educational program, including **any high-priority topics included**:

The City's current educational program is implemented through two different approaches:

1) *The Regional Stormwater Protection Team (RSPT)*

The RSPT, as described in the partnership section, has decided to focus on a single, overarching public education and outreach goal to effectively reach out and educate the public about stormwater impacts and stormwater pollution prevention techniques in accordance with Minnesota and Wisconsin regulations and best practices. To meet this goal, the RSPT aims to meet the following objectives over the next ten years (2010-2020):

- *Engage the business community in stormwater pollution prevention.*
- *Lead efforts to increase adult awareness about the sources of stormwater and its environmental, social, and economic impacts; and techniques for reducing runoff and preventing pollutants from entering local streams and rivers.*
- *Continually promote behaviors that reduce stormwater pollution.*
- *Provide stormwater programs, resources, and/or support to K-12 schools.*
- *Deliver and/or assist in the delivery of targeted training and outreach on the identification, reporting, and reduction of illicit discharges and/or illegal dumping sites.*
- *Deliver and/or assist in the delivery of targeted training and outreach on the design, installation, operation, and maintenance of construction and post-construction best management practices (BMPs) within the RSPT service area.*
- *Popularize low impact design (LID) ideas.*
- *Deliver and/or assist in the delivery of targeted training for municipal/MS4 employees on pollution prevention/good housekeeping practices.*
- *Evaluate its success and effectiveness in public education and outreach, and adjust the approaches as necessary.*

2) *Direct City Modes*

In addition to RSPT, the City of Proctor implements an extended educational program which includes:

- *Distribution of Educational Materials, including:*

Pamphlets at City Hall

New construction packets

Stormwater education packets

Stormwater management reminder with building permits

Articles in the Proctor Journal

- *Coordinate/participate in meetings to address stormwater management*

RSPT contractor annual meeting

Televised planning and zoning meetings

Street committee meetings

- *Coordinate/support/participate in community programs focused on stormwater management*

Native tree and shrub elementary school planting program

- *Storm drain stencil program*

- *Maintain a city website which includes water resources information.*

- *Provide contact at city hall for stormwater questions, comments, and/or concerns.*

The City intends to continue implementing a similar education program as described above. The City's current educational efforts emphasize illicit discharges, construction site runoff, and post construction stormwater management. The City will work in conjunction with RSPT to identify areas of priority to focus education efforts on moving forward.

2. List the categories of BMPs that address your public education and outreach program, including the distribution of educational materials and a program implementation plan. Use the first table for categories of BMPs that you have

established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the U.S. Environmental Protection Agency's (EPA) *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Regional Stormwater Protection Team	Ongoing: Continue to be a member of RSPT and continue to participation in their educational programs.
Distribution of Educational Material	Annually: Review and update material/information.
Meetings	Annually: Coordinate/participate in annual contractor meeting. Monthly: Participate in planning & zoning meetings. Ongoing: Participate in street committee meetings.
Community Programs	Annual: Coordinate a tree/shrub planting program with elementary school kids.
Storm Drain Stencil Program	Ongoing: Stencil storm drains as they are constructed.
City Website	Annually: Review and update information. Ongoing: Maintain city contact information.
City Hall Contact	Ongoing: Provide contact at city hall for stormwater questions, comments, and/or concerns. Annually: Continue to promote City Hall as a contact place for stormwater questions and concerns.
Cable TV	Annually: Continue to use cable TV to air notice of public meetings.
BMP categories to be implemented	Measurable goals and timeframes
Identification of High Priority Education Topics	Within 12 months of the date permit coverage is extended: Identify in conjunction with the RSPT high priority educational issues in accordance with permit requirements (Part III.D.1.a).
Cable TV	Within 12 months of the date permit coverage is extended: The City will consider airing potential stormwater related content on local cable access channel.
Documentation	Within 12 months of the date permit coverage is extended: Updated program to include documentation requirements in accordance with permit requirements (Part III.D.1.c).

- Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

City Administration

Accounting

Public Utilities

Street Department

B. MCM2: Public participation and involvement

- The Permit (Part III.D.2.a.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement a public participation/involvement program to solicit public input on the SWPPP. Describe your current program:

The City holds an annual public meeting to review program details, program progress, and discuss the SWPPP. The meeting gives the public an opportunity to provide comments, ask questions, and suggest adjustments to the SWPPP. The meeting is noticed following applicable public notice requirements. The City takes into consideration both written and verbal forms of public input at the meeting and throughout the year. All comments and suggestions are reviewed by the City. The City maintains a point of contact at City Hall to report illicit discharges, report stormwater noncompliance concerns, and/or provide input, give comments, and/or ask questions about the MS4 program. Contact information is provided on the City's website. The City makes the SWPPP and other permit related information available at City Hall during regular business hours.

- List the categories of BMPs that address your public participation/involvement program, including solicitation and documentation of public input on the SWPPP. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Annual Public Meeting	Annually: Continue to hold public meeting following applicable public notice requirements.
SWPPP and Permit Document Access	Ongoing: Continue to provide SWPPP and other permit documents as requested.
Solicit and Consider Public Opinion	Annually: Continue to solicit and respond to public opinion of SWPPP during annual public meeting. Ongoing: Document both written and verbal comments, making changes to the SWPPP where necessary.
BMP categories to be implemented	Measurable goals and timeframes
SWPPP and Permit Document Access	Within 12 months of the date permit coverage is extended: Post SWPPP and other water resources information on the City's website, in accordance with permit requirements (Part III.2.a.(2)).
Solicit and Consider Public Opinion	Within 12 months of the date permit coverage is extended: Provide reporting and comment contact information on City's website, in accordance with permit requirements (Part III.2.a.(3)).
Documentation	Within 12 months of the date permit coverage is extended: Update program to include documentation requirements in accordance with permit requirements (Part III.D.2.b).

- Do you have a process for receiving and documenting citizen input? ☒ Yes ☐ No

If you answered **no** to the above permit requirement, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

- Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

City Administration

C. MCM 3: Illicit discharge detection and elimination

- The Permit (Part III.D.3.) requires that, within 12 months of the date permit coverage is extended, existing permittees revise their current program as necessary, and continue to implement and enforce a program to detect and eliminate illicit discharges into the small MS4. Describe your current program:

The City maintains and is currently updating a storm sewer system map. The map is maintained in an AutoCAD format and includes the stormwater conveyance system.

The City has an ordinance which prohibits non-stormwater discharges into the storm sewer system.

The City conducts regular inspections of its stormwater system and conducts site specific inspections as reports are received. The city completes dry weather inspections of at a minimum, 20% of the storm sewer system outfalls, pond inlets, sediment basins, and ponds each year. City staff is watchful for signs of illicit discharges while conducting daily activities.

The City maintains a point of contact at City Hall during regular business hours for reporting illicit discharges. The City tracks and documents non-stormwater discharges and illicit connections as they are identified.

- Does your Illicit Discharge Detection and Elimination Program meet the following requirements, as found in the Permit (Part III.D.3.c.-g.)?

- Incorporation of illicit discharge detection into all inspection and maintenance activities conducted under the Permit (Part III.D.6.e.-f.) Where feasible, illicit discharge inspections shall be conducted during dry-weather conditions (e.g., periods of 72 or more hours of no precipitation). ☒ Yes ☐ No
- Detecting and tracking the source of illicit discharges using visual inspections. The permittee may also include use of mobile cameras, collecting and analyzing water samples, and/or other detailed procedures that may be effective investigative tools. ☒ Yes ☐ No

- c. Training of all field staff, in accordance with the requirements of the Permit (Part III.D.6.g.(2)), in illicit discharge recognition (including conditions which could cause illicit discharges), and reporting illicit discharges for further investigation. ☒ Yes ☐ No
- d. Identification of priority areas likely to have illicit discharges, including at a minimum, evaluating land use associated with business/industrial activities, areas where illicit discharges have been identified in the past, and areas with storage of large quantities of significant materials that could result in an illicit discharge. ☐ Yes ☒ No
- e. Procedures for the timely response to known, suspected, and reported illicit discharges. ☐ Yes ☒ No
- f. Procedures for investigating, locating, and eliminating the source of illicit discharges. ☐ Yes ☒ No
- g. Procedures for responding to spills, including emergency response procedures to prevent spills from entering the small MS4. The procedures shall also include the immediate notification of the Minnesota Department of Public Safety Duty Officer, if the source of the illicit discharge is a spill or leak as defined in Minn. Stat. § 115.061. ☐ Yes ☒ No
- h. When the source of the illicit discharge is found, the permittee shall use the ERPs required by the Permit (Part III.B.) to eliminate the illicit discharge and require any needed corrective action(s). ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

C.2.d. The City will update its program to include an annual review of potential sources of non-stormwater discharges or flows and identification of priority areas likely to have illicit discharges, in accordance with permit requirements (Part III.D.3.f). This effort will be completed within 12 months of the date permit coverage is extended.

C.2.e-g. The City will develop procedures for the timely response to known, suspected, and reported illicit discharges, in accordance with permit requirements (Part III.D.3.g). This effort will be completed within 12 months of the date permit coverage is extended.

C.2.h. The City will develop and implement an ERP for illicit discharge(s) in accordance with permit requirements (Part III.B). This effort will be completed within 12 months of the date permit coverage is extended.

3. List the categories of BMPs that address your illicit discharge, detection and elimination program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Storm Sewer System Map	Annually: Review and update.
City Code	Annually: Review and update as needed. Ongoing: Continue to enforce ordinance requirements.
Detection and Elimination	Ongoing: Continue to inspect and correct illicit discharge connects in conjunction with street reconstruction projects. Ongoing: Continue to respond/inspect reports of illicit discharges. Annually: Inspect 20% of outfalls, pond inlets, sedimentation basins, and ponds. Ongoing: Maintain point of contact at City Hall. Annually: Review and update program as needed.
Identification of Non-Stormwater Discharges and Flows	Ongoing: Continue to track and document non-stormwater discharges and connections.
BMP categories to be implemented	Measurable goals and timeframes
Storm Sewer System Map	Within 12 months of the date permit coverage is extended: Review and update as necessary to meet permit requirements (Part III.D.3.a).
City Code	Within 12 months of the date permit coverage is extended: Review and update as necessary to meet permit requirements (Part III.D.3.b).
Detection and Elimination	Within 12 months of the date permit coverage is extended: Develop procedures for the timely response to known, suspected, and reported illicit discharges, in accordance with permit requirements (Part III.D.3.g).
Illicit Discharge Information Program	Within 12 months of the date permit coverage is extended:

	Develop and implement an illicit discharge training program in accordance with permit requirements (Part III.D.3.e).
Identification of Non Stormwater Discharges and Flows	Within 12 months of the date permit coverage is extended: Update program to include an annual review of potential sources of non-stormwater discharges or flows and identification of priority areas likely to have illicit discharges, in accordance with permit requirements (Part III.D.3.f). Annual: Review and update priority areas as necessary.
Documentation	Within 12 months of the date permit coverage is extended: Update program to include documentation requirements in accordance with permit requirements (Part III.D.3.h).

4. Do you have procedures for record-keeping within your Illicit Discharge Detection and Elimination (IDDE) program as specified within the Permit (Part III.D.3.h.)? ☐ Yes ☒ No

If you answered **no**, indicate how you will develop procedures for record-keeping of your Illicit Discharge, Detection and Elimination Program, within 12 months of the date permit coverage is extended:

The City currently tracks and documents non-stormwater discharges and connections. The City will review their record-keeping procedures and update as necessary, in accordance with permit requirements (Part III.D.3.h). This effort will be completed within 12 months of the date permit coverage is extended.

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Accounting

Street Department

D. MCM 4: Construction site stormwater runoff control

1. The Permit (Part III.D.4) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a construction site stormwater runoff control program. Describe your current program:

The City has an Erosion and Sediment Control Ordinance which establishes requirements for erosion and sediment controls on any land disturbing activity of 10,000 square feet or greater. The ordinance requires the submittal of an erosion and sediment control plan prior to engaging in land disturbance activities.

The City reviews all site plans to determine compliance with City ordinances.

The City provides a contact at City Hall for stormwater questions, comments, and/or concerns. The City considers all public complaints and comments regarding non-compliance issues.

The City utilizes an inspection process.

2. Does your program address the following BMPs for construction stormwater erosion and sediment control as required in the Permit (Part III.D.4.b.):
- Have you established written procedures for site plan reviews that you conduct prior to the start of construction activity? ☐ Yes ☒ No
 - Does the site plan review procedure include notification to owners and operators proposing construction activity that they need to apply for and obtain coverage under the MPCA's general permit to *Discharge Stormwater Associated with Construction Activity No. MN R100001*? ☐ Yes ☒ No
 - Does your program include written procedures for receipt and consideration of reports of noncompliance or other stormwater related information on construction activity submitted by the public to the permittee? ☐ Yes ☒ No
 - Have you included written procedures for the following aspects of site inspections to determine compliance with your regulatory mechanism(s):
 - Does your program include procedures for identifying priority sites for inspection? ☐ Yes ☒ No
 - Does your program identify a frequency at which you will conduct construction site inspections? ☐ Yes ☒ No
 - Does your program identify the names of individual(s) or position titles of those responsible for conducting construction site inspections? ☐ Yes ☒ No
 - Does your program include a checklist or other written means to document construction site inspections when determining compliance? ☐ Yes ☒ No
 - Does your program document and retain construction project name, location, total acreage to be disturbed, and owner/operator information? ☐ Yes ☒ No
 - Does your program document stormwater-related comments and/or supporting information used to determine project approval or denial? ☒ Yes ☐ No
 - Does your program retain construction site inspection checklists or other written materials used to ☒ Yes ☐ No

document site inspections?

If you answered **no** to any of the above permit requirements, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

D.2.a & b. The City has a site plan review process; however, there are currently no written procedures for this process. The City will update its site plan review process to include written procedures, notifications, and documentation requirements in accordance with permit requirements (Part III.D.4.b & f). This effort will be completed within 12 months of the date permit coverage is extended.

D.2.c. The City has a process for the receipt and consideration of construction site noncompliance reports and other stormwater related input; however, there are currently no written procedures for this process. The City will update their program for receipt and consideration of public stormwater reports to include written procedures, in accordance with permit requirements (Part III.4.c). This effort will be completed within 12 months of the date permit coverage is extended.

D.2.d.1-4 & e. The City has a process for site inspections; however, there are no written procedures for this process. The City will update its current site inspection process to include written procedures and documentation requirements in accordance with permit requirements (Part III.D.4.d & f). This effort will be completed within 12 months of the date permit coverage is extended.

3. List the categories of BMPs that address your construction site stormwater runoff control program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
City Code	Annually: Review and update as needed. Ongoing: Continue to enforce ordinance requirements.
Site Plan Review	Annually: Implement permit process and review site plans for compliance with City Code and permits. Ongoing: Provide contact at city hall for stormwater questions, comments, and/or concerns.
Stormwater Noncompliance Consideration and Reports	Ongoing: Continue to address public complaints of non compliance issues.
Site Inspections and Enforcement	During Construction Activity: Conduct inspections for compliance with city ordinances and permits. Annually: Review and update inspection process as needed.

BMP categories to be implemented	Measurable goals and timeframes
City Code	Within 12 months of the date permit coverage is extended: Review and update as necessary to meet permit requirements (Part III.D.4.a).
Site Plan Review	Within 12 months of the date permit coverage is extended: Develop written procedures for the City's site plan review process in accordance with permit requirements (Part III.D.4.b).
Receipt and Consideration of Stormwater Noncompliance reports	Within 12 months of the date permit coverage is extended: Develop written procedures for receipt and consideration of construction site non compliance reports in accordance with permit requirements (Part III.D.4.c & f).
Site Inspections and Enforcement	Within 12 months of the date permit coverage is extended: Develop written procedures and checklists for conducting site inspections in accordance with permit requirements (Part III.D.4.d & f).
Documentation	Within 12 months of the date permit coverage is extended: Update program to include documentation requirements in accordance with permit requirements (Part III.D.4.f).

4. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

City Administration

Street Department

E. MCM 5: Post-construction stormwater management

1. The Permit (Part III.D.5.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement and enforce a post-construction stormwater

management program. Describe your current program:

The City has ordinances which establish minimal requirements for post construction stormwater management. The City currently requires that post construction stormwater management take place for long term viability of the stormwater system. The City reviews all site plans for compliance with city ordinances and currently takes over ownership of structural BMPs.

2. Have you established written procedures for site plan reviews that you will conduct prior to the start of construction activity? ☐ Yes ☒ No
3. Answer **yes** or **no** to indicate whether you have the following listed procedures for documentation of post-construction stormwater management according to the specifications of Permit (Part III.D.5.c.):
 - a. Any supporting documentation that you use to determine compliance with the Permit (Part III.D.5.a), including the project name, location, owner and operator of the construction activity, any checklists used for conducting site plan reviews, and any calculations used to determine compliance? ☐ Yes ☒ No
 - b. All supporting documentation associated with mitigation projects that you authorize? ☐ Yes ☒ No
 - c. Payments received and used in accordance with Permit (Part III.D.5.a.(4)(f))? ☐ Yes ☒ No
 - d. All legal mechanisms drafted in accordance with the Permit (Part III.D.5.a.(5)), including date(s) of the agreement(s) and names of all responsible parties involved? ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements, describe the steps that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met.

E.2. The City currently has a site plan review process; however, there are currently no written procedures for this process. The City will update its site plan review process to include written procedures in accordance with permit requirements (Part III.D.5.b). This effort will be completed within 12 months of the date permit coverage is extended.

E.3.a. The City currently maintains records of stormwater plans and plan modifications. The City will review their procedures for documentation of post-construction stormwater management and update as necessary, in accordance with permit requirements (Part III.D.5.c). This effort will be completed within 12 months of the date permit coverage is extended.

E.3.b-c. The City currently does not allow for mitigation provisions to meet post construction stormwater requirements. The City will review its current requirements and assess whether or not to add mitigation provisions in accordance permit requirements (Part III.D.5.a(4)). This effort will be completed within 12 months of the date permit coverage is extended.

E.3.d. The city currently takes over ownership of structural BMPs for long term operations and maintenance. The City will review its current program and develop or update existing regulatory mechanism(s) to provide for the establishment of legal mechanisms between the City and owners and operators responsible for long-term maintenance of privately owned and operated structural BMPs, in accordance with permit requirements (Part III.D.5.a(5)).

4. List the categories of BMPs that address your post-construction stormwater management program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. Refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>). **If you have more than five categories**, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Code	Annually: Review and update as needed.
Special Waters, Wetlands, and other Regulated Considerations	Ongoing: Continue to enforce ordinance requirements.
Site Plan Review	Ongoing: Monitor, comply, and/or complete reports to address regulations.
	Annually: Implement permit process and review site plans for compliance with City Code and permits.

BMP categories to be implemented	Measurable goals and timeframes
Code	Within 12 months of the date permit coverage is extended: Review and update as necessary to meet permit requirements (Part III.D.4.a).
Site Plan Review	Within 12 months of the date permit coverage is extended: Develop written procedures for the city's site plan review process in accordance with permit requirements (Part III.D.5.b).

Long Term Maintenance Agreements	Within 12 months of the date permit coverage is extended: Update/develop ordinance to address long term maintenance of structural BMPs as necessary to meet permit requirements (Part III.D.5.a(5)).
Documentation	Within 12 months of the date permit coverage is extended: Review and update to meet permit requirements (Part III.D.5.c).

5. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

City Administration

Accounting

F. MCM 6: Pollution prevention/good housekeeping for municipal operations

1. The Permit (Part III.D.6.) requires that, within 12 months of the date permit coverage is extended, existing permittees shall revise their current program, as necessary, and continue to implement an operations and maintenance program that prevents or reduces the discharge of pollutants from the permittee owned/operated facilities and operations to the small MS4. Describe your current program:

The City tracks municipal operation concerns and maintenance to determine which municipal operations are in need of improvement.

The City annually inspects all structural pollution control devices, stockpiles, material storage areas, and material handling areas. At a minimum, the City inspects 20% of all outfalls, pond inlets, sediment basins, and ponds,. City inspections determine whether maintenance and/or site corrections are necessary. The City reviews inspection criteria and reports to ensure that inspection timing is correct. The City documents inspections follow up responses, and corrective actions.

The City utilizes street sweeping as an effective method to reduce sediment and debris from entering the stormwater system. The total length of pavement swept is recorded.

2. Do you have a facilities inventory as outlined in the Permit (Part III.D.6.a.)? ☐ Yes ☒ No
3. If you answered **no** to the above permit requirement in question 2, describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, this permit requirement is met:

The City will review and update its inventory of municipal operations to include all City owned and operated facilities that contribute pollutants to stormwater discharge, in accordance with permit requirements (Part III.D.6.a). This effort will be completed within 12 months of the date permit coverage is extended.

4. List the categories of BMPs that address your pollution prevention/good housekeeping for municipal operations program. Use the first table for categories of BMPs that you have established and the second table for categories of BMPs that you plan to implement over the course of the permit term.

Include the measurable goals with appropriate timeframes that each BMP category will be implemented and completed. In addition, provide interim milestones and the frequency of action in which the permittee will implement and/or maintain the BMPs. For an explanation of measurable goals, refer to the EPA's *Measurable Goals Guidance for Phase II Small MS4s* (<http://www.epa.gov/npdes/pubs/measurablegoals.pdf>).

If you have more than five categories, hit the tab key after the last line to generate a new row.

Established BMP categories	Measurable goals and timeframes
Municipal Operations	Annually: Review, update, and implement BMPs for city facilities and municipal operations.
Street Sweeping	Ongoing: track total length of pavement swept.
	Annually: 20% of outfalls, sediment basins, and ponds.
	Annually: Structural pollution control devices.
Inspections	Ongoing: Respond/inspect reports of stormwater system issues.
	Annually: review and update inspection frequency.
Maintenance	Ongoing: Conduct maintenance as required based on site inspection findings and received reports.
	Ongoing: Continue to document inspections, follow up responses, and corrective actions.
Record Reporting, Retention, and Documentation	Ongoing: Continue to maintain records of stormwater plans and plan modifications.

BMP categories to be implemented	Measurable goals and timeframes
Facility Inventory	Within 12 months of the date permit coverage is extended: Develop an inventory of municipal operations to include all city owned and operated facilities, in accordance with permit requirements (Part III.D.6.a).
Municipal Operations	Within 12 months of the date permit coverage is extended: Evaluate existing facility BMPs and develop a schedule for revising and implementing additional BMPs if needed.
Pond Assessment	Within 12 months of the date permit coverage is extended: Develop procedures and schedule to determine pond effectiveness to meet the permit (Part III.D.6.d).
Training	Within 12 months of the date permit coverage is extended: Develop a staff training program to meet permit requirements (Part III.D.6.g).
Inspections	Within 12 months of the date permit coverage is extended: Update inspection program to include inspections of material stock pile and handling areas to at least quarterly, in accordance with permit requirements (Part III.D.6.e).
Documentation	Within 12 months of the date permit coverage is extended: Review and update to meet permit requirements (Part III.D.6.h).

5. Does discharge from your MS4 affect a Source Water Protection Area (Permit Part III.D.6.c.)? ☐ Yes ☒ No

a. If **no**, continue to 6.

b. If **yes**, the Minnesota Department of Health (MDH) is in the process of mapping the following items. Maps are available at <http://www.health.state.mn.us/divs/eh/water/swp/maps/index.htm>. Is a map including the following items available for your MS4:

1) Wells and source waters for drinking water supply management areas identified as vulnerable under Minn. R. 4720.5205, 4720.5210, and 4720.5330? ☐ Yes ☐ No

2) Source water protection areas for surface intakes identified in the source water assessments conducted by or for the Minnesota Department of Health under the federal Safe Drinking Water Act, U.S.C. §§ 300j – 13? ☐ Yes ☐ No

c. Have you developed and implemented BMPs to protect any of the above drinking water sources? ☐ Yes ☐ No

6. Have you developed procedures and a schedule for the purpose of determining the TSS and TP treatment effectiveness of all permittee owned/operated ponds constructed and used for the collection and treatment of stormwater, according to the Permit (Part III.D.6.d.)? ☐ Yes ☒ No

7. Do you have inspection procedures that meet the requirements of the Permit (Part III.D.6.e.(1)-(3)) for structural stormwater BMPs, ponds and outfalls, and stockpile, storage and material handling areas? ☐ Yes ☒ No

8. Have you developed and implemented a stormwater management training program commensurate with each employee's job duties that:

a. Addresses the importance of protecting water quality? ☐ Yes ☒ No

b. Covers the requirements of the permit relevant to the duties of the employee? ☐ Yes ☒ No

c. Includes a schedule that establishes initial training for new and/or seasonal employees and recurring training intervals for existing employees to address changes in procedures, practices, techniques, or requirements? ☐ Yes ☒ No

9. Do you keep documentation of inspections, maintenance, and training as required by the Permit (Part III.D.6.h.(1)-(5))? ☐ Yes ☒ No

If you answered **no** to any of the above permit requirements listed in **Questions 5 – 9**, then describe the tasks and corresponding schedules that will be taken to assure that, within 12 months of the date permit coverage is extended, these permit requirements are met:

F.6 The City will develop procedures and schedules for determining TSS and TP effectiveness of City owned/operated ponds in accordance with permit requirements (Part III.6.d). This effort will be completed within 12 months of the date permit coverage is extended.

F.7 The City will review and update its current inspection program as needed to comply with permit requirements (Part IIID.6.e). This effort will be completed within 12 months of the date permit coverage is extended.

F.8.a-c The City will implement a staff training program in accordance with permit requirements (Part III.D.6.g). This effort will be completed within 12 months of the date permit coverage is extended.

F.9 The City will develop documentation requirements in accordance with permit requirements (Part III.D.6.h). This effort will be completed within 12 months of the date permit coverage is extended.

10. Provide the name or the position title of the individual(s) who is responsible for implementing and/or coordinating this MCM:

Street Department

City Administration

VI. Compliance Schedule for an Approved Total Maximum Daily Load (TMDL) with an Applicable Waste Load Allocation (WLA) (Part II.D.6.)

- A. Do you have an approved TMDL with a Waste Load Allocation (WLA) prior to the effective date of the Permit? ☐ Yes ☒ No

1. If **no**, continue to section VII.

2. If **yes**, fill out and attach the MS4 Permit TMDL Attachment Spreadsheet with the following naming convention: *MS4NameHere_TMDL*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

VII. Alum or Ferric Chloride Phosphorus Treatment Systems (Part II.D.7.)

- A. Do you own and/or operate any Alum or Ferric Chloride Phosphorus Treatment Systems which are regulated by this Permit (Part III.F.)? ☐ Yes ☒ No

1. If **no**, this section requires no further information.

2. If **yes**, you own and/or operate an Alum or Ferric Chloride Phosphorus Treatment System within your small MS4, then you must submit the Alum or Ferric Chloride Phosphorus Treatment Systems Form supplement to this document, with the following naming convention: *MS4NameHere_TreatmentSystem*.

This form is found on the MPCA MS4 website: <http://www.pca.state.mn.us/ms4>.

VIII. Add any Additional Comments to Describe Your Program

No contractor working on a project or other person shall, by force, intimidation, or threat of termination of employment, cause any employee working on a project to give up any part of the compensation to which he is entitled under his contract of employment.

PROCTOR CITY CODE

400 - Public Utilities

401. Sewers

401.01. Wastewater Facilities System Established.

Subdivision 1. System Established. There is hereby established a City wastewater facilities system. Such system shall include all lateral, main, and intercepting sewers, wastewater pumping stations, equipment, and other works and facilities, whether presently existing or hereafter acquired, as are found necessary for completion of such system in first-class operating condition adequate to collect and transmit all wastewater of the City which is discharged into the City's wastewater facilities system to the wastewater facilities of the WLSSD.

Subd. 2. Policy Declared. It is hereby declared that the establishment and operation of the City wastewater facilities system is necessary and conducive to the public health, safety, welfare, and convenience of the City and its inhabitants; that such system shall constitute and be a public utility plant and convenience from which revenues may and shall be derived; and that service to be rendered to the inhabitants, industries, and property by the collection of wastewater confers direct and indirect benefits to the inhabitants, industries, properties, or the City for which reasonable rates and charges may be imposed.

401.02. Definitions. The following words and phrases when used in this chapter shall have the meaning given below unless the context otherwise clearly indicates.

- (1) Bio-chemical oxygen demand (BOD) means the quantity of oxygen utilized in the bio-chemical oxidation of organic matter expressed in milligrams per liter, as determined in accordance with standard laboratory procedures as set out in Standard Methods.

- (2)
 - (a) Building drain means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of a building and conveys it to the building's sewer, beginning five (5) feet (1.5 meters) outside the innerface of the building wall.
 - (b) Building drain - sanitary means a building drain which conveys wastewater only.
 - (c) Building drain - storm means a building drain which conveys storm water or other unpolluted water drainage but no wastewater.
- (3)
 - (a) Building sewer means the extension from the building drain to the public sewer or other place of disposal, also called house connection.
 - (b) Building sewer - sanitary means a building sewer which conveys wastewater only.
 - (c) Building sewer - storm means a building sewer which conveys storm water or other unpolluted water drainage but no wastewater.
- (4) Capital cost means all reasonable and necessary costs and expenses incurred by the City in planning, designing, financing, and constructing wastewater facilities including, but not limited to, costs and expenses for obtaining necessary permits, licenses, approvals, and grants for design and construction, architect and engineers' fees, construction costs, fees for legal and consulting services, and that portion of WLSSD capital costs charged by WLSSD to the City.
- (5)
 - (a) Classes of users means the division of wastewater facility users by waste characteristics and process or discharge similarities.
 - (b) Domestic user means those users which discharge exclusively domestic strength wastewater or wastewater which contains characteristics so similar to domestic strength wastewater as to be capable of treatment in the same manner as domestic strength wastewater.
 - (c) Non-domestic wastewater user means a user which discharges wastewater other than domestic wastewater.
- (6) Debt service means the principal and interest necessary to pay indebtedness of the City and City's share of the indebtedness to WLSSD.
- (7) Easement means an acquired legal right for the specific use of land owned by others.

- (8) Federal Code of Regulations means the United States Government Regulations so entitled.
- (9) Floatable oil means oil, fat, or grease in a physical state such that it will separate by gravity from wastewater by treatment in an approved pre-treatment facility.
- (10) Flow means the quantity of wastewater.
- (11) Garbage means the animal and vegetable waste resulting from the handling, preparation, cooking, and serving of foods.
- (12) Industrial cost recovery means recovery by the WLSSD from the industrial users of the WLSSD wastewater facilities of the grant amount received by the WLSSD from the United States Environmental Protection Agency allocable to the transmission and treatment of such users' wastewater in the amount as required by Public Laws 92-500.
- (13) Industrial user means any nongovernmental user of the District's wastewater treatment facilities, as is identified in the Standard Industrial Classification Manual (1972), Office of Management and Budget, as amended and supplemented, under the following divisions:
- (14) Industrial waste means the solid, liquid, or gaseous wastes resulting from any industrial or manufacturing processes, trade or business, or from the development, recovery, or processing of natural resources.
- (15) Loads means quantities of wastewater characteristics such as BOD, SS, P, or other constituents.
- (16) National Pollution Discharge Elimination System (NPDES) permit is a permit system of the United States Environmental Protection Agency.
- (17) Natural outlet means any outlet into a water course, pond, ditch, lake, or other body of surface or ground water.
- (18) Peak flow means the maximum instantaneous rate of flow that is discharged by a user into the wastewater facility.
- (19) Permit means written authorization from the City or the WLSSD to perform acts allowed or required by this chapter.
- (20) pH means the logarithm of the reciprocal of the hydrogen ion concentration. The concentration is the weight, in grams, of hydrogen ions per liter of solution.

Neutral water for example, has a pH value of 7 and a hydrogen ion concentration of 10^{-7} .

- (21) Phosphorous (P) means total phosphorous in wastewater as determined under standard laboratory procedures as set forth in Standard Methods.
- (22) Polluted water means water of quality which does not meet the effluent criteria in effect or water which would cause violation of receiving water quality standards and would be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (23) Pretreatment means the treatment of wastewater prior to introduction thereof into the City or the WLSSD wastewater facilities.
- (24) Private wastewater disposal system means an arrangement of devices or structures for treating domestic or nondomestic wastewater approved for use by applicable regulations of the State of Minnesota and the County of St. Louis.
- (25) Properly shredded garbage means the wastes from the preparation, cooking, or dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than one-half inch (1.27 centimeters) in any dimension.
- (26) Public sewer means any sewer owned or operated by the City or the WLSSD.
- (27) Sanitary sewer means a sewer which carries wastewater and to which storm, surface, and ground water are not intentionally admitted.
- (28) Sewer means a pipe or conduit that carries wastewater to storm, surface, or ground water.
- (29) Slug means any discharge of water or wastewater, which in concentration of any given constituent or in quantity of flow, exceeds, for any period of duration longer than fifteen (15) minutes, more than five (5) times the average twenty-four (24) hour concentration of flows during normal operation and which may adversely affect the collection system and/or performance of the wastewater treatment works.
- (30) Standard Methods means the latest edition of Standard Methods for the Examination of Water and Wastewater published jointly by the American Public Health Association, the American Waterworks Association, and the Water Pollution Control Federation.

- (31) Working Street Foreman means the Working Street Foreman of the City's wastewater facilities or his authorized deputy, agent, or representative.
- (32) Suitable wastewater collection facilities means a device(s) adequate to capture all significant wastewater developed or occurring on the premises where such facilities are located.
- (33) Suspended Solids (SS) means total suspended solids in wastewater as determined under Standard Laboratory procedures as set forth in Standard Methods.
- (34) Unpolluted water means water which meets the effluent criteria in effect or water that would not cause violation of receiving water quality standards and would not be benefitted by discharge to the sanitary sewers and wastewater treatment facilities provided.
- (35) User charge means a charge levied on the users of the wastewater facilities for the cost of operation, maintenance, including replacement and debt service.
- (36) Wastewater means that portion of the spent water of a community which is polluted water. From the standpoint of source, it may be a combination of the liquid and water-carried wastes from residences, commercial buildings, industrial plants, and institutions.
- (a) Domestic strength wastewater means wastewater having an average daily suspended solids concentration of not more than 300 mg/L, an average daily BOD of not more than 300 mg/L, an average daily phosphorous concentration of not more than 15 mg/L, and an average daily hexane soluble matter (grease and oil) concentration of not more than 40 mg/L.
- (b) Non-domestic strength wastewater means all wastewater other than domestic strength wastewater.
- (37) Wastewater facility means the structures, equipment, and process required to collect, carry away, and treat domestic and non-domestic wastes and dispose of the effluent and when preceded by the word "District" means the wastewater facilities of the WLSSD and when preceded by the word "City" means the wastewater facilities of the City.
- (38) Wastewater treatment works means an arrangement of devices and structures for treating wastewater, industrial waste, and sludge.
- (39) WLSSD means Western Lake Superior Sanitary District, a public corporation and political subdivision of the State of Minnesota established by Chapter 478, Laws of Minnesota, 1971.

401.03. Use of Public Sewers Required.

Subdivision 1. Discharge Unlawful. It shall be unlawful to discharge to any natural outlet within the City or in any area under jurisdiction of the City any wastewater or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this Ordinance.

Subd. 2. Septic Tanks. Except as provided in §401.04, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of wastewater.

Subd. 3. Connection Required. The owner of all houses, buildings, or properties of any character wherein or whereon wastewater develops or occurs is hereby required at the owners expense to install suitable wastewater collection facilities therein or thereon and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter at the time of construction of such facilities in the case of new construction or new use or within ninety (90) days after date of official notice to do so in the case of existing housing, buildings or properties; provided that such public sewer is within one hundred feet (100') of the property line.

401.04. Private Wastewater Disposal.

Subdivision 1. Connection Required. Where a public sanitary sewer is not available within the distance prescribed by the provisions of §401.03, the building sewer shall be connected to a private wastewater disposal system complying with the provisions of this section.

Subd. 2. Permit. Before commencement of construction of a private wastewater disposal system, the owner shall first obtain a written permit from the St. Louis County Health Department.

Subd. 3. County Requirements. The type, capacities, location, and layout of a private wastewater disposal system shall comply with all requirements of the ordinances and regulations of St. Louis County, Minnesota. No such system shall be permitted to discharge to any natural outlet.

Subd. 4. Public Sewer Availability. At such time as a public sewer becomes available to a property served by a private wastewater disposal system within the distance

prescribed by §401.03, a direct connection shall be made to the public sewer within ninety (90) days in compliance with this chapter, and any private wastewater disposal system shall be cleared of sludge and filled with suitable material.

Subd. 5. Operation. The owner shall operate and maintain the private wastewater disposal system in a manner which complies with applicable state and county regulations at all times and at no expense to the City.

Subd. 6. Additional Regulations. No statement contained in this section shall be construed to interfere with any additional requirements that may be imposed by the Minnesota Pollution Control Agency, St. Louis County, Minnesota, or the WLSSD.

401.05. Building Sewers and Connections.

Subdivision 1. Tampering Prohibited. Except for City employees acting in the course of employment, no person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Working Street Foreman. All persons doing work shall comply with the licensing requirements for plumbers provided in this Code. The permit fee for connection to the sewer system shall be established from time to time by Council resolution.

Subd. 2. Classes of Connections. There shall be three classes of building sewer connection permits: (1) for users discharging domestic strength wastewater to sanitary sewers; (2) for users discharging non-domestic strength wastewater to sanitary sewers; and (3) for discharge of stormwater or other unpolluted drainage to storm sewers. In all cases, the owner or his agent shall make application on a special form furnished by the City. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the City Engineer or Working Street Foreman. A permit and inspection fee sufficient to defray the cost incidental to the processing of such connection permit, including the cost of inspection of connection for each such class, shall be established by resolution of the City Council and shall be paid to the City at the time the application is filed.

Subd. 3. Costs. All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the City from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

Subd. 4. System Capacity. No building sewer connection permit shall be issued unless the City Engineer or Working Street Foreman first determines that all City and WLSSD wastewater facilities have sufficient capacity to accommodate the flow and load to be discharged as a result of such connection.

Subd. 5. Separate Connections. A separate and independent building sewer shall be provided for every building; except where an existing building stands at the rear of another and no separate sewer has been constructed therefore, such building may continue to be connected to the building sewer of the front building and the whole considered as one building sewer. The City shall have no obligation or responsibility for damage caused by or resulting from any such single connection aforementioned.

Subd. 6. Old Sewers. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the City Engineer or Working Street Foreman, to meet all requirements of this Ordinance.

Subd. 7. Materials. The size, slope, alignment, materials of construction of a building sewer; the methods to be used in excavating; placing of the pipe; jointing, testing and backfilling the trench shall all conform to the requirements of the building and plumbing codes or other applicable rules and regulation of the City.

Subd. 8. Elevation. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

Subd. 9. Stormwater Connection. No person shall make connection of roof downspouts, sump pump, or other sources of unpolluted waters such as storm water, ground water, roof run-off, subsurface drainage, unpolluted industrial water, or cooling water to a building sewer or building drain which is connected directly or indirectly to a public sanitary sewer.

Existing dwellings: No water from any roof, surface, ground water sump pump, footing tile, swimming pool, or other natural precipitation shall be discharged into the sanitary sewer system.

Dwellings and other building and structures which require, because of infiltration of water into basements, crawl spaces, and the like, a sump pump discharge: The sump pump discharge system shall have a permanently installed discharge line which shall not at any time discharge water into the sanitary sewer system, except as provided herein. A permanent installation shall be one which provides for year round discharge capability to either the outside of the dwelling, building, or structure or is connected to the City storm sewer or discharges through the curb or

gutter to the street. It shall consist of a rigid discharge line, without valving or quick connections for altering the path of discharge.

The City I & I Committee shall have the power and duty of hearing and deciding requests for waivers from the applicability of the provisions of this ordinance. Where strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration or cause a safety problem., application for a waiver shall be in writing addressed to the City of Proctor, I & I Committee. The applications shall identify the property for which the waiver is being applied, the name of the property owner, and describe in detail what characteristics of the subject property create an undue hardship. Upon approval of an application for a waiver, the property owner shall be allowed to temporarily pump directly into the sanitary sewer system between the date of November 1 and April. The City shall have the right to inspect all property in the spring to assure their discharge water connection has been removed from the sanitary sewer. Failure to remove said discharge will result in a fine subject to City Ordinance §101.06. If a property owner feels undue hardship after I & I Committee findings, appeal will be made to the City Council.

Subd. 10. Other Codes. The connection of the building drain to the building sewer and of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City. All such connections shall be made gastight and watertight and verified by proper testing. The Working Street Foreman shall have authority to promulgate rules, regulations, and tests as to the manner in which connections shall be made; and such rules, regulations, and tests when so promulgated and filed with the City Clerk shall be met.

Subd. 11. Inspection. The applicant for the building sewer connection permit shall notify the Working Street Foreman when the building sewer is ready for inspection and connection to the building drain and public sewer. The connection and setting shall be made under the supervision of the Working Street Foreman. No building sewer shall be covered until it has been inspected and tested under the supervision of the Working Street Foreman.

Subd. 12. Excavations. All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the superintendent. The Council may require that prior to remitting excavation in any public right-of-way a bond or cash, in its discretion, be deposited with the City to cover the estimated costs of repairs. (See also §303.02.)

Subd. 13. Enforcement and Additional Charges. The provisions of this Ordinance and all standards, limitations, orders, schedules of compliance, and all provisions and conditions of any permit issued by the City hereunder shall be enforced by the City by any one

or any combination of the following: additional monthly surcharges, criminal prosecution, action to recover civil damages, injunctions, action to compel performance, or termination of service.

Subd. 14. Penalties and Surcharges.

- (a) Any person who willfully or negligently violates any provision of this Ordinance or any provision of a permit issued by the City hereunder shall be subject to a fine subject to City Administrative Fine Schedule.
- (b) Any person who continues any violation of any provision of this Ordinance or any provision of a permit issued by the City hereunder beyond the time limit provided for in the Working Street Foreman's written notice of violation shall be subject to the City Administrative Fine Schedule.
- (c) Each day in which a violation referred to in either (a) or (b) continues shall be deemed a separate violation.
- (d) Any person who knowingly makes any false statement or representation in any record, report, applications, plan, or other document filed with the City pursuant to this Ordinance, or who falsifies, tampers with, or renders inaccurate any monitoring device or method required under this Ordinance or any permit issued by the City hereunder shall be guilty of a misdemeanor.
- (e) Any person who continues to discharge groundwater into the sanitary sewer system in violation of this Ordinance will be charged an additional \$100.00 surcharge per month on their utility bill. Said surcharge will be imposed every month until the property at issue is in compliance with this Ordinance.

401.06. Use of Public Sewers.

Subdivision 1. Discharge of Unpolluted Waters. No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof run-off, subsurface drainage, unpolluted industrial process water, or cooling water to any sanitary sewer. Stormwater run-off from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by written permission of the Working Street Foreman. All other stormwater other than that exempted under subd. 1 and all other unpolluted drainage shall be discharge to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Working Street Foreman. No person shall connect to or otherwise make use of storm sewers without first obtaining a permit as provided in §401.05, subd. 2.

Subd. 2. Prohibited Discharges. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- (1) Any gasoline, benzene, naphtha, fuel oil, oil solvent, or other flammable or explosive liquid, solid, or gas.
- (2) Any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process or wastewater facilities, to constitute a hazard to humans or animals, to create a public nuisance, or to create any hazard in the receiving waters of the wastewater treatment works.
- (3) Any waters or wastes having a pH lower than 5.5 or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the wastewater treatment works.
- (4) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, asphalt, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, disposable diapers, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails, and paper dishes, napkins, cups, milk containers, either whole or ground by garbage grinders.

Subd. 3. Limited Discharge. The following described substances, materials, waters, or waste shall be limited in discharges to the wastewater facilities to concentrations or quantities which will not harm the wastewater facilities, will not endanger lives, limb, public property, or constitute a nuisance, and which are capable of regular and ordinary treatment at the wastewater treatment works so as to permit discharge therefrom in compliance with the NPDES permit issued to WLSSD. The City Engineer and the WLSSD may set limitations different from the limitations established in the regulations below if such further limitations are necessary to meet the above objectives. In making such determination due consideration shall be given to such factors as the quantity of waste in relation to flows and velocities in the sewers, materials, or construction of the wastewater facility, degree of treatability of the waste in the wastewater facility, and other pertinent factors. Until different limitations or restrictions on materials or characteristics are so established, no person shall discharge or cause to be discharged any of the following described waters or wastes to any sanitary sewer without the approval of the City Engineer or Working Street Foreman.

- (1) Wastewater having a temperature higher than +150° Fahrenheit (65° Celsius).
- (2) Wastewater having a concentration of more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils, or products of mineral oil origin.

- (3) Wastewater from industrial plants or commercial establishments containing floatable oils, fat, or grease.
- (4) Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering establishments, or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers; provided that no garbage grinder with 3/4 horsepower or greater motor shall be used without the approval of the Working Street Foreman.
- (5) Any waters or wastes containing iron, chromium, copper, zinc, lead, mercury, cadmium, organic solvents, non-biodegradables, organic chemicals, and similar untreatable or toxic substances to such degree that any such materials received in the composite wastewater at the wastewater treatment works exceed the limits established by the superintendent for such materials.
- (6) Any waters or wastes containing odor-producing substances exceeding limits which may be established by the City Engineer.
- (7) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the City Engineer in compliance with applicable state or federal regulations.
- (8) Quantities of flow, concentration, or both which constitute a "slug" as defined herein.
- (9) Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, are amenable to treatment only to such degree that the wastewater treatment works effluent cannot meet the requirements of the NPDES permit issued to the WLSSD, or are amenable to treatment only by the application of extraordinary processes.
- (10) Any water or wastes which, alone or by interaction with other water or wastes in the public sewer system, release noxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.

Subd. 4. Other Harmful Wastes. If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in §401.06 subd. 3 and which, in the judgment of the City Engineer or the WLSSD, may have a deleterious effect upon the wastewater facilities, processes, equipment,

or receiving waters, otherwise create a hazard to life, or constitute a public nuisance, the City Engineer or the WLSSD may:

- (1) Reject the wastes;
- (2) Require pretreatment to an acceptable condition having in mind the effect on wastewater facilities and the ability of the wastewater treatment works to treat such waste and achieve a discharge in compliance with the NPDES permit;
- (3) Require control over the quantities and rates of discharge;
- (4) Require payment to cover added cost of handling and treating the wastes not covered by existing user charges under the provisions of this chapter.

Subd. 5. Interceptors. Grease, oil, and sand interceptors (sometimes termed traps), shall be provided when, in the opinion of the Working Street Foreman or the WLSSD, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in §4 (c) or any flammable wastes, sand, grit, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Working Street Foreman and the WLSSD and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintenance of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured material and shall maintain records of dates and means of disposal which are subject to review by the Working Street Foreman, the City Building Official and the WLSSD. Any removal and hauling of the collected materials not performed by owner personnel must be performed by currently licensed waste disposal firms.

Subd. 6. Pretreatment. Where pretreatment or flow equalizing facilities are provided or required for any water or wastes, plans, specifications, and any other pertinent information relating thereto shall be submitted for approval of the City and the WLSSD, and no construction of such facilities shall be commenced until approval in writing is granted. Where such facilities are provided, they shall be maintained continuously in satisfactory and effective operating order by the owner at his expense and shall be subject to periodic inspection by the City and the WLSSD to determine that such facilities are being operated in conformance with applicable federal, state, and local laws, regulations, and permits. The owner shall maintain operating records and shall submit to the City and the WLSSD a monthly summary report of the character of the influent and effluent to show the performance of the pretreatment facilities and for comparison against WLSSD and City monitoring records.

Subd. 7. Additional Meters. When required by the Working Street Foreman, the City Administrator, or the WLSSD, the owner of any property served by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling, and measurement of the wastes by the City and the WLSSD. Such structure, when required, shall be accessible and safely located and shall be constructed in accordance with plans approved by the City Engineer and the WLSSD. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

Subd. 8. Additional Information. The Working Street Foreman, the City Administrator, and the WLSSD may require a user of sewer services and a person applying for sewer service to provide information needed to determine compliance with this chapter. These requirements may include:

- (1) Wastewater peak flow and volume over a specified time period.
- (2) Chemical analyses of wastewaters.
- (3) Information on raw materials, processes, and products affecting wastewater volume and quality.
- (4) Quantity and disposition of specific liquid, sludge, oil, solvent, or other materials important to sewer use control.
- (5) A plot plan of the user's property showing sewer and pretreatment facility or flow equalizing facility location.
- (6) Details of wastewater pretreatment or flow equalizing facility.
- (7) Details of systems to prevent and control the losses of materials through spills to the public sewer.
- (8) Access to users' premises so that City and WLSSD personnel can carry out sampling, monitoring, and measurement of users' discharge.

Subd. 9. Notice Required. Users of the wastewater facilities shall immediately notify the Working Street Foreman, the City Administrator, and the WLSSD of any unusual flows of wastes that are discharged accidentally or otherwise to the wastewater facilities.

Subd. 10. Tests. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the provisions set out in Standard Methods.

Subd. 11. Special Agreements. No statement contained in this section shall be construed as preventing any special agreement or arrangement between the City, the WLSSD, and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City and WLSSD for treatment. Provided that any such agreement shall establish that charges to such user shall be in accordance with the City established user charges.

401.07. Damage to Wastewater Facilities Prohibited. No person shall maliciously or willfully break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is a part of the wastewater facilities.

401.08. Powers and Authority of Inspectors.

Subdivision 1. Entrance on Property. The Working Street Foreman and other duly authorized employees of the City and WLSSD bearing proper credentials and identification shall be permitted to enter, at all reasonable and necessary times, all properties for the purposes of inspection, observation, measurement, sampling, and testing pertinent to discharge to the wastewater facilities in accordance with the provisions of this chapter.

Subd. 2. Information. The Working Street Foreman or other duly authorized employees of the City and the WLSSD shall be provided by users with such information concerning industrial processes as have a direct bearing on the kind and source of discharge to the wastewater facilities.

401.09. User Charge System Established.

Subdivision 1. Purpose. For the purpose of distributing among users with the City the charges made to the City by the WLSSD for the cost of the City's proportionate share of the operation, maintenance, including replacement, and debt service of WLSSD wastewater facilities for the purpose of recovering from users the cost of operation, maintenance (including replacement), debt service of City wastewater facilities, and for services rendered and benefits conferred by WLSSD and City facilities, there is hereby established a wastewater facility user charge system.

Subd. 2. Collection. The user charges provided for in this section shall be collected by the City Administrator through a monthly billing and collection procedure to be established in regulation form by the City Administrator, and such procedure shall be effective upon approval of the Council by resolution. Such procedure shall include a late payment penalty provision and shall provide for an interest charge on the unpaid balance of such charges.

Subd. 3. Joint Liability and Actions to Collect. The owner of premises which are connected to the City's wastewater facilities, the occupant thereof, and the user of the service shall be jointly and severally liable to pay for the service to such premises, and the service is furnished to the premises by the City only upon the condition that the owner of the premises, occupant, and

user of the service are jointly and severally liable to the City therefor. A claim for unpaid charges which have been billed to the occupant of the premises or the user of the service may be recovered against the owner, occupant, or user in a civil action in any court of competent jurisdiction; and all delinquent accounts shall be certified to the City Clerk who shall prepare an assessment roll each year providing for assessment of delinquent amounts against the respective property service pursuant to Minnesota Statute §444.075 subd. 4. The assessment roll shall be delivered to the Council for adoption on or before October 1 of each year for certification of the county auditor for collection along with taxes. Such action by the City Council and adoption of the certification is optional. Money paid to the county auditor on such account shall belong to the City and shall be remitted to the City Treasurer by the county auditor in the manner provided by law for the payment of other money belonging to the City. In addition to, and not in lieu of, the foregoing method of enforcing payment of such charges, the City Administrator may, according to such rules and regulations as he may have established and the Council shall have by resolution approved, cause the City water supply for and to any premises to be shut off until all arrears, with interest and penalties on such delinquent charges, shall be paid, together with the cost of shutting off and turning on such water.

Subd. 4. Water Usage. Except as otherwise hereinafter provided, for the purpose of determining the charge to be rendered against premises using the City's wastewater facilities system and the WLSSD wastewater facilities, the volume of wastewater discharged into the City wastewater facilities system by the owner, lessee, or occupant of any premises having any direct or indirect connection with such system shall be deemed to be and shall be based and computed upon the amount of water used on such premises.

- (1) In all cases where such premises obtain water from the City's water supply, the volume of water used on any such premises shall be determined by the water meter readings made by the City.
- (2) In all cases whereon the water is derived in whole or in part from sources independent from the City, water used thereon which is supplied from private sources shall be measured by a water meter of a type approved by the Commission Secretary/Senior Bookkeeper/Utility Operations Coordinator to be installed by the owner, lessee, or occupant of such premises at his own cost and subject to the supervision and inspection of the Commission Secretary/Senior Bookkeeper/Utility Operations Coordinator. User charges against such premises shall be based upon the volume of water used thereon as measured from both public and private sources. Whenever the owner, lessee, or occupant fails to

install such meter or where it is not practicable to measure the water consumed on any premises by a meter, the Commission secretary/Senior Bookkeeper/Utility Coordinator or the WLSSD shall determine, in such manner and by such methods as he may find practicable considering conditions and attendant circumstances in each case, the estimated volume of water from private sources which discharges into such system. Such estimate shall be used in lieu of the meter volume of water from private sources to determine the user charge thereon and therefor.

Subd. 5. Meters. Where the owner, occupant, or user of the service has been required by the Commission Secretary/Senior Bookkeeper/Utility Operations Coordinator, or the WLSSD as authorized by §401.06 to install meters or other measuring devices that serve to demonstrate the volume of wastewater being discharged to the City's wastewater collection system and WLSSD's treatment facilities, the volume of wastewater as so measured shall be the basis upon which the charges to be made hereunder shall be determined.

Subd. 6. WLSSD Charges. Charges made to the City by the WLSSD for the cost of the City's proportionate share of the operation, maintenance, including replacement, and debt service to the WLSSD wastewater facilities shall be distributed among the users within the City in accordance with the WLSSD domestic equivalent classification system, 1976, a copy of which is on file in the office of the Clerk. Charges made to the City by the WLSSD in accordance with the Industrial Cost Recovery Requirements of Title II of the Federal Water Pollution Control Act Amendments of 1972 (Public Laws 92-500, 33 U.S.C. 1251, et seq.) shall be apportioned among industrial users within the City in accordance with the WLSSD Industrial Cost Recovery Classification System, 1976, a copy of which is on file in the office of the Clerk.

Subd. 7. City Charges. For the purpose of recovering from users the cost of operation, maintenance (including replacement), and debt service of the City's wastewater facilities, there is established and shall be collected a user charge based upon the volume of wastewater discharged to the City's wastewater facilities system and determined as in subd. 4 herein; provided, and in accordance with the City Schedule of Charges and Fees.

401.10 Ordinance Establishing Standards For Fats, Oil and Grease Reduction

SECTION 1: Authority and Purpose.

This Ordinance establishes standards for the reduction of fats, oils and grease by requiring proper grease interceptor design, installation, maintenance, reporting and the enforcement of penalties for failure to comply. This Ordinance will protect the health, welfare and safety of the public and the environmental by requiring provisions for the reduction of fats, oils and grease, minimizing the impact on the Wastewater Collection and Transmission System.

SECTION 2: Definitions.

2.1 “*Customer*” means any entity which discharges wastewater to the City wastewater conveyance system.

2.2 “*Fats, Oils and Grease*” (FOG) means material, either liquid or solid, composed primarily of fat, oil and grease from animal, vegetable or mineral sources.

2.3 “*Food Service Facility*” includes the following types of establishments: Full service restaurants, fast food establishments, delicatessens, cafeterias, school cafeterias, church kitchen, hospitals and medical facilities, boarding houses, clubhouses, adult daycare facilities, assisted living facilities, convalescent homes, meat distributors and processing facilities, food processing facilities, grocery stores with food preparation/service areas, bakeries, caterers and or other similar types of operations with commercial kitchen equipment.

2.4 “*Grease Interceptor*” means a device designed to capture fats, oils and grease prior to discharge to a sanitary sewer. Also termed grease traps or grease recovery devices.

2.5 “*City*” means the City of Proctor, Minnesota.

SECTION 3: Fats, Oils and Grease Reduction Requirements.

3.1 **Requirements.** The installation or upgrade, and maintenance, of grease control equipment at both new and existing FOG generating facilities must meet the following requirements:

- A. Grease Interceptors must be installed at all new FOG generating facilities.
- B. Existing FOG generating facilities must install an approved, properly operated and maintained Grease Interceptor when any of the following conditions exist:
 - i. If the City determines the discharge of grease from the facility to the sewer has or its creating restrictions in the public sewer or is causing additional sewer maintenance costs.
 - ii. Construction which requires issuance of a building permit from the City occurs at a Food Service Facility.

C. Grease Interceptors must be of adequate size and efficiency and at a minimum shall be sized and installed in accordance with the State of Minnesota Administrative Rules, Chapter 4715, Plumbing Code and all applicable municipal plumbing codes.

D. Grease Interceptors shall be installed in the waste line leading from the sinks, drains or other fixtures where grease may be introduced, and must be readily accessible for cleaning and inspection.

E. FOG generating facilities must maintain records for all Grease Interceptor cleaning and maintenance activities in a format approved by the City and have such records available for inspection.

F. FOG generating facilities must regularly clean and maintain the Grease Interceptor and properly dispose of captured material.

- i. Each facility must maintain records of the dates and means of disposal.
- ii. Any removal and hauling of the captured materials not performed by the owners personnel must be performed in compliance with all applicable laws and regulations by a licensed waste disposal contractor.

3.2 **Variance.** The City may grant a variance or conditional waiver from the minimum requirements in Section 3.1 if the FOG generating facility demonstrates to the satisfaction of the municipality that any FOG discharge is negligible and will have an insignificant impact on the sewer system. At a minimum, the following conditions apply:

A. The FOG generating facility must demonstrate that the discharge from its activities contains less than 100 mg/l of FOG.

B. The sampling and testing to demonstrate the concentration of grease in the discharge must be conducted, at a facilities expense, by an independent testing organization in accordance with acceptable industry standards.

3.3 The City will perform periodic and random FOG equipment inspections, including scheduled inspections of known problem areas. Records of the inspections shall be

maintained by the City. An authorized agent of the City or employee of the City may at all reasonable hours, enter any private premises for the purpose of inspecting sewer system connections, plumbing, Grease Interceptors and appurtenances to assure compliance with this or other applicable laws, regulations and ordinances.

Section 4: Penalties

- 4.1 Any person found in violation of any provision of this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by penalty established in Minnesota law for a misdemeanor as may be amended from time to time. Any person convicted of a violation of this ordinance shall be required to pay the reasonable costs of prosecution.
- 4.2 The City may in its discretion, seek any civil remedies available to it including remedies at law, in equity or other relief. In the event that civil remedy is pursued, the City may seek reimbursement of any and all costs, disbursements, witness or other fees, as well as reasonable attorney's fees expended by the City in order to enforce this Ordinance.
- 4.3 Other Remedies. Each right or remedy accruing to the City under this Ordinance or at law is separate and distinct and may, at the City's discretion, be exercised independently or simultaneously with any other right or remedy.

Section 5: Record Retention

Records required to be maintained under Section 3.1 shall be retained for a minimum of seven years from the date of creation of the record. Records include written, photographic, recorded, electronic, or stored data of any kind.

Section 6: Effective Date

This ordinance shall become effective immediately following publication.

- c. the applicant has entered into a payment agreement and is current with the payments.
- 3. Applicant means an individual if the license is issued to or in the name of an individual or the corporation, partnership, or other entity if the license is issued to or in the name of a corporation, partnership, or other entity.

A copy of the notice of delinquent taxes given to the City shall also be sent to the applicant taxpayer. In the case of renewal of a license, if the applicant requests a hearing in writing, within thirty (30) days of the receipt of the notice of delinquent taxes, then a contested case hearing shall be held by the Commissioner under the same procedures as provided in Minnesota Statutes, Section 270.72 for the State sales and use tax imposed under Minnesota Statutes, Chapter 297A, provided that if a hearing must be held on the State sales and use tax, hearings may be combined.

authorized agents thereof unless prior permission or authorization of said connection has been requested and granted by the applicable utility, the City, or a designated agent thereof.

Prior to preliminary approval of any such connection, the appropriate utility shall investigate and inspect the proposed connection site and grant or deny approval of the work. Upon completion of an approved connection, the applicable utility or its agent shall re-inspect the connection and grant or deny final approval of the connection.

Connections made in violation of this section shall constitute a misdemeanor. In addition to any criminal penalty the Court may impose, persons convicted of violating the provisions of this Ordinance may be subject to an order of the Court requiring a reimbursement of the value of any utility usage consumed, wasted, or sold as a direct result of said illegal connection. Said reimbursement shall be paid directly to the affected utility.

303.13. Installation of Culverts. In all areas adjacent to any street, road, alley, or avenue located within the City of Proctor which require, in the discretion of the Working Street Foreman, the installation of culverts, plans for all such installations shall require the prior approval of the Working Street Foreman. This approval process shall also be required for all culverts to be installed by private parties on their own initiative. The Working Street Foreman shall require that all such culvert installations, to include private installations, meet current St. Louis County Highway Department specifications as published by that Department.

303.14. Disruption of Curbs and Sidewalks. No person shall cut, disrupt, remove, cover, or otherwise damage any curbs or sidewalks located within the City of Proctor which lie within any public easement without prior approval of the Working Street Foreman of the City of Proctor. Prior to any work being done which affects any such curb or sidewalk, the Working Street Foreman shall be provided by the landowner the plans and specifications therefore for the City's review and approval.

Any cutting, disruption, removal, covering, or other damage done to any curb or sidewalk without the above-stated approval shall be remedied by the landowner. If the landowner does not remedy the damage within ten (10) days of the City Administrator's order to do so, the City may restore the curb and/or sidewalk to its original condition and assess the landowner for the costs of the restoration.

303A. Common Excavation and Drainage Alterations.

Repealed.

303B. Erosion and Sediment Control

303B.01. Purpose. The purpose of this Ordinance is to control or eliminate soil erosion and sedimentation within the City of Proctor. This Ordinance establishes standards and specifications for conservation practices and planning activities which minimize soil erosion and sedimentation, including adherence to MPCA minimum standards.

303B.02. Scope. Except as exempted by §303B.05, property owner or property owner's representative or agent thereof proposing land disturbance activity within the City of Proctor shall submit an erosion and sediment control plan to the City for approval. No land shall be disturbed until the plan is approved by the City and conforms to the standards set forth herein.

303B.03. Definitions. For the purposes of this Ordinance, the following terms have the meanings given them in this section:

- (a) District. "District" means the South St. Louis County Soil and Water Conservation District organized and operating under Minnesota Statutes, Chapter 103C.
- (b) Erosion and Sediment Practice Specifications or Practice. "Erosion and Sedimentation Practice Specifications or Practice" means the management procedures, techniques, and methods to control soil erosion and sedimentation as officially adopted by the District.
- (c) Developer. "Developer" means a person, firm, corporation, sole proprietorship, partnership, state agency, or political subdivision thereof engaged in a land disturbance activity.
- (d) Erosion. "Erosion" means any process that wears away the surface of the land by the action of water, wind, ice, or gravity. "Erosion" can be accelerated by the activities of man and nature.

303B.04. Erosion and Sediment Control Plan. "Erosion and Sediment Control Plan" means a document containing the requirements of §303B.09 that when implemented will decrease on and off site soil erosion and sedimentation damage.

303B.05. Land Disturbance Activity. "Land Disturbance Activity" means land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands of or downstream of the City of Proctor, including clearing, grading, excavating, transporting, and filling of land. "Land Disturbance Activity" does not mean:

- (a) Minor land disturbance activities such as home gardens and individual home landscaping, repairs, and maintenance work;

- (b) Construction, installation, and maintenance of electric, telephone, and cable television utility lines or individual service connection to these utilities, except where a minimum of 10,000 square feet of land disturbance can be anticipated;
- (c) Tilling, planting, or harvesting of agricultural, horticultural, or forestry crops;
- (d) Disturbed land areas for commercial or non-commercial uses of less than 10,000 square feet in size;
- (e) Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles;
- (f) Emergency work to protect life, limb, or property and emergency repairs, except if the land disturbing activity would have required an approved erosion and sediment control plan except for the emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirement of §303B.09.

303B.06. Handbook. "Protecting Water Quality in Urban Areas" by MPCA, current MPCA requirements, or "Handbook," means the handbook which contains the erosion and sediment control practice specifications and planning procedures used to control soil erosion and sedimentation.

303B.07. Sediment. "Sediment" means solid mineral or organic material that, in suspension, is being transported or has been moved from its original site by air, water, gravity, or ice and has been deposited at another location.

303B.08. sedimentation. "Sedimentation" means the process or action of depositing sediment that is determined to have been caused by erosion.

303B.09. Erosion and Sediment Control Plan. A document or plan will be prepared and submitted to the City for approval by the developer prior to engaging in a land disturbance activity. This plan will outline practices that will minimize soil erosion or sediment.

303B.10. Plan Criteria. The erosion and sediment control plan shall address the following criteria:

- (a) Stabilization of denuded areas and soil stockpiles
- (b) Establishment of permanent vegetation
- (c) Protection of adjacent properties
- (d) Timing and stabilization of sediment trapping measures
- (e) Use of sediment basins
- (f) Cut and fill slopes
- (g) Stormwater management criteria for controlling off-site erosion
- (h) Stabilization of waterways and outlets
- (i) Storm sewer inlet protection
- (j) Working in or crossing waterbodies
- (k) Underground utility construction
- (l) Construction access routes
- (m) Disposition of temporary erosion and sediment control measures
- (n) Maintenance of erosion and sediment control measures

303B.11. Plan. The erosion and sediment control plan shall include a site plan and plan narrative.

Subdivision 1. Site Plan. The site plan shall include:

- (a) Location map
- (b) North arrow
- (c) Scale (1 inch = 100 feet or greater detail)
- (d) Benchmark

- (e) Existing contours--two-foot intervals--extending 200 feet beyond property boundary
- (f) Final contours
- (g) Existing vegetation--trees, shrubs, grasses
- (h) Soil boundaries
- (i) Property boundary and lot lines
- (j) Elevations and grades--street grades, pond elevations, etc.
- (k) Drainage direction arrows
- (l) Critical erosion areas
- (m) Limits of clearing and grading
- (n) Utility plans
- (o) Location of erosion and sediment control practices
- (p) Location of other practices
- (q) Signature of plan preparer
- (r) Name of responsible individual

Subd. 2. Plan Narrative. The plan narrative shall include:

- (a) Project description
- (b) Phasing of construction
- (c) Existing site conditions
- (d) Adjacent areas affected by project
- (e) Critical areas identified
- (f) Erosion and sediment control measures

- (g) Soil Descriptions
- (h) Permanent stabilization methods
- (i) Stormwater management considerations
- (j) Maintenance schedule for erosion and sediment control measures
- (k) Calculations made for practice design

303B.12. Handbook. "Protecting Water Quality in Urban Areas" by the Minnesota Pollution Control Agency (MPCA), current MPCA requirements will be the primary reference for erosion and sediment control practices specifications used in the City of Proctor.

303B.13. Application Fee. The developer shall submit an application fee as per the City's schedule of fees, together with the erosion and sediment control plan to the City. This fee shall cover any review or inspection cost accrued.

303B.14. Review. The City shall review (zoning, planning, building inspector, engineer, District) the erosion and sediment control plan to determine if the plan meets the requirements of the Ordinance.

303B.15. Approval. If the City determines that the erosion and sediment control plan meets the requirements of this Ordinance, the City shall approve the plan and issue a permit valid for a specific period of time, that authorizing the land disturbance activity contingent upon the implementation and completion of the erosion and sediment control plan. If no period of time is specified, the permit shall be valid for one year after which time the permit shall terminate. No land disturbance activity may commence without new application, review, and approval.

303B.16. Denial. If the City determines that the erosion and sediment control plan does not meet the requirements of this Ordinance, the City shall not issue a permit for the land disturbance activity. The erosion and sediment control plan must be re-submitted for approval before any land disturbance activity begins. All land use and building permits must be suspended until the developer has an approved erosion and sediment plan.

303B.17. Easement. The developer may be required to dedicate an easement to the City for any permanent erosion and sediment control practice(s) that remain after the land disturbance activity is completed.

303B.18. Maintenance. The developer shall be responsible for the maintenance of the permanent erosion and sediment control practices for the period of construction activity. The City may require the developer to maintain permanent erosion and sediment control practice(s) after that time.

303B.19. Modification of Plan. An approved erosion and sediment control plan may be modified upon submission of a request for modification to the City and subsequent approval by the City. In reviewing such a request, the City may require additional reports and data.

303B.20. Escrow Requirement. Upon approval of an erosion and sediment control plan, the City shall require the developer to escrow a sum of money sufficient to insure the installation, completion, and maintenance of the erosion and sediment control plan and practices.

303B.21. Preconstruction Meeting. A preconstruction meeting shall be held to review the requirements of the erosion and sediment control plan with the grading contractor, engineer, or other representatives of the developer and the City or its representative.

303B.22. Inspections. The City or its designated representative shall inspect the construction sites:

- (a) During the design stage;
- (b) After installation of sediment controls;
- (c) Following severe rainstorms;
- (d) Prior to seeding deadlines;
- (e) As a final inspection of terminating projects to insure that temporary controls have been removed, and stabilization is complete.

303B.23. Inspection Log. An Inspection Log shall be completed for any inspection and transmitted to those responsible for plan implementation and maintenance of controls.

303B.24. Penalty. Any person, firm, or corporation who fails to comply with or violates any of these regulations shall be deemed guilty of a petty misdemeanor and be subject to a fine subject to City Administrative Fine Schedule. All land use and building permits must be suspended until the developer has corrected the violation. The City may deem it necessary to use escrowed monies to complete erosion control work for the developer.

303B.25. Variance. Variances shall be granted only upon a showing of hardship. No variance shall be granted that compromises the general purposes or intent of this Ordinance or results in adverse consequences to the environment. The variance shall be approved or denied by the City within 30 days after receipt of application. All variances shall be subject to the variance procedures set for in §1002.17 subd. 6 of the Proctor City Code.

304. Public Contracts: Wages and Hours (Davis-Bacon)

304.01. Definitions. For the purposes of this article, the following words and phrases shall have the meanings respectively ascribed to them in this section:

- A. Basic hourly rate. The hourly wage paid to any employee.
- B. Prevailing wage rate. The basic hourly rate plus fringe benefits prevailing in the City of Proctor as determined by the United States Secretary of Labor pursuant to the Davis-Bacon Act, as amended.
- C. Fringe benefits. Employer contribution for health and welfare benefits, vacation benefits, pension benefits, and all other economic benefits other than the basic hourly rate.
- D. Apprentice-trainee. An employee who is working under a training program which is approved either by the U.S. Department of Labor Bureau of Apprenticeship and Training or the Minnesota Director of Voluntary Apprenticeship.
- E. Project. Erection, construction, demolition, remodeling or repairing of any public building, and the construction or repairing of highways, sidewalks, bridges, water or gas lines, sewers and sewage treatment facilities, or other public works performed under contract with the City.

304.02. Wage Rates and Hours for City Projects.

- A. Any contract which provides for a project of estimated total cost of over \$2,000.00 shall contain a stipulation that no laborer, mechanic, or apprentice-trainee

**903. Common Excavation, Drainage,
Contaminated Soils, and Wetlands**

903.01. Common Excavation and Drainage Alterations.

Subdivision 1. Prohibitions. No person shall engage in the common excavation of soils, rock, gravel, or the like upon any parcel of land located within the City of Proctor so as to permanently interrupt, alter, or disturb the existing and/or natural drainage of ground water upon said parcel. Provided, that upon submission of such excavation plans to the City of Proctor prior to commencement of such excavation and the approval of said plans by the City, the planned excavation may be undertaken and the existing and/or natural drainage of the site may be altered, interrupted, or disturbed in accordance with the plans.

Subd. 2. Plan Review Fee. All plans reviewed pursuant to subd. 1 shall be subject to the payment of an excavation permit fee to be paid to the City Clerk prior to review of the plans by the City .

Subd. 3. Temporary Interruption. Nothing in this Ordinance shall prohibit the temporary interruption, alteration, or disturbance of ground water drainage within the City of Proctor. By definition, the term "temporary" shall mean that the drainage is altered, interrupted, or disturbed for no more than a period of seven days.

Subd. 4. Wetlands Considerations. Any excavations or drainage alterations which may impact upon any wetlands, as defined by this Ordinance, shall be reviewed in accordance with §903.04 of this Ordinance.

903.02. Contaminated Soils.

Subdivision 1. Definitions.

- (1) "Contaminant" means any toxic or non-toxic, flammable or non-flammable, corrosive, or otherwise dangerous substance, whether such substance is naturally occurring or manufactured. Normal farming practices shall be excluded from the provision of this Ordinance.
- (2) "Soil" means any substance of the earth; the term specifically includes earth, sand, gravel, boulders, and rock.

- (3) "Material" means any processed or man-made substance or thing; it specifically includes all types of man-made ground cover such as cement, concrete, blacktop, and wood. It also specifically includes any item which has been used to store, transport, or dispense a contaminant.
- (4) "Spill or leak" means any discharge of any volume of any contaminant, whether such discharge is intentional or accidental.
- (5) "Person" means any human being, any municipality, or any other governmental or political subdivision or public agency, any public or private corporation, any partnership, firm, association, or other organization, any receiver, trustee, assignee, agent, or other legal representative of any of the foregoing or any other legal entity.

903.03. General Provisions.

Subdivision 1. Activities Prohibited.

- (a) No person shall cause, permit, or allow land or property, whether or not under his or her ownership or management, to be used for the storage, dumping, depositing, and/or incinerating of any contaminated soil or any type of contaminated material. This provision shall not apply to storage of a contaminant in a container approved by the authority having jurisdiction over the storage of that substance and labeled as to its contents.
- (b) No person shall cause, permit, or allow any amount of any contaminant, to be spilled or leaked onto soil or material, whether or not under his/her ownership or control.

Subd. 2. Violations.

- (1) A person violating the provisions of §903.02 of this Ordinance shall be guilty of a misdemeanor resulting in a payment of a fine only, except that t h e C i t y Attorney, on his or her discretion, may seek injunctive relief depending on the exigency of the situation.
- (2) Each day that a violation of this Ordinance continues may be treated as a separate offense.

Subd. 3. Conditional Use Permit. The Proctor City Council, upon due consideration and recommendation by the Planning and Zoning Commission, may grant a Conditional Use Permit

allowing the landfarming and/or incineration of contaminated soils with the City of Proctor. Any such Conditional Use Permit application shall first be reviewed by the Wetlands Technical Panel (see §903.04 subd. 13 (a) and the Planning and Zoning Commission pursuant to §1002.15 (Conditional Uses).

903.04. Wetland Protection.

Subdivision 1. Findings and Intent.

- (a) Wetlands help maintain water quality, serve to reduce flooding and erosion, act as sources of food and habitat for a variety of fish and wildlife, and are an integral part of the community's natural landscape. Wetlands provide the aesthetic benefits of open space and can be used to provide a natural separation of land uses. It is the intent of this Ordinance to establish a policy of sound stewardship through coordination of regulations which conserve, protect, enhance, and result in the no net loss of these environmentally sensitive resources. In addition, it is the intent of the City of Proctor to promote the restoration of degraded wetlands.
- (b) The intent of this Ordinance is to avoid alteration and destruction of wetlands. When this is not feasible, mitigation must be provided to recreate the lost or altered wetlands value and function.

Subd. 2. Purpose. The purpose of this Ordinance is to assure the general health, safety, and welfare of the residents through preservation and conservation of wetlands and sound management of development by:

- (1) Establishment of wetlands and regulations that are coordinated with flood protection and water quality programs.
- (2) Requiring sound management practices that will protect, conserve, maintain, enhance, and improve the present quality of wetlands within the community.
- (3) Requiring measures designed to maintain and improve water quality in streams and watercourses.
- (4) Protecting and enhancing the scenic value of wetlands.
- (5) Restricting and controlling the harmful effects of land development of wetlands.
- (6) Allowing only development that is planned to be compatible with wetland protection and enhancement.

- (7) Providing standards for the alteration of wetlands when alteration is allowed.
- (8) Mitigating the impact of development adjacent to wetlands.
- (9) Educating and informing the public about the numerous benefits and features of wetlands and the impacts of urbanization.
- (10) Obtaining protective easements over or acquiring fee title to wetlands as appropriate.

Subd. 3. Delineation of Wetlands. Wetlands shall be subject to the requirements established herein, as well as restrictions and requirements established by other applicable City ordinances and regulations. The Wetlands Protection Regulations shall not be construed to allow anything otherwise prohibited in the zoning district where the wetland area is located.

A wetland is land that meets the definition of "wetlands" set forth in this Ordinance.

If an applicant questions whether a wetland exists or disputes its delineation, the applicant shall have the burden to supply detailed information for review supporting the applicant's position. The applicant shall provide appropriate technical information, including but not limited to topographical survey and soil data, deemed necessary for the City to determine the exact wetland boundary. Data for wetland determination shall be certified by a registered engineer, surveyor, or a qualified wetland consultant. The applicant may appeal the Planning Commission's determination of the wetland boundary and type to the City Council.

This Ordinance establishes three wetland types and one body type:

- (1) Wetlands, Ag/Urban. Wetlands that have been influenced by agricultural or urban (residential, commercial, or industrial) land uses are called Ag/Urban. Influences include: over nutrification, soil erosion and sedimentation, and water quality degradation. As a result of these influences there is a loss of plant species such as reed canary grass and reduction in wildlife habitat.
- (2) Wetlands, Natural. Natural wetlands are still in their natural state and typically show little sign of impact from surrounding land usage. The vegetative community of these wetlands are characterized by a diversity of plant species with mixed dominance of species. Other key factors include: presence of natural indicator species, good wildlife habitat, and being aesthetically pleasing.
- (3) Wetlands, Pristine. Wetlands that exist in a natural state and have special and unusual qualities worth protecting at a high level are call Pristine. These qualities

include: rare or unusual species present and habitat for rare wildlife species.

- (4) Utilized. Utilized water bodies created for the specific purpose of surface water runoff retention and/or water quality improvements. These water bodies are not to be classified as wetlands even if they take on wetland characteristics. Wetland alteration permits shall not be required to undertake work on these water bodies.

Subd. 4. No Net Loss. To achieve no net loss of wetland, except as provided elsewhere in this Ordinance or authorized by a wetland alteration permit issued by the City, a person may not drain, grade, fill, burn, remove healthy native vegetation, or otherwise alter or destroy a wetland of any size or type. Any alteration to a wetland, permitted by a wetland alteration permit, will be fully mitigated so that there is no net loss of wetlands.

Subd. 5. Standards. The following standards apply to all lands within and abutting a wetland:

- (1) Septic and soil absorption system must be a setback minimum of one hundred fifty (150) feet from the ordinary high water mark of the wetland.
- (2) The lowest ground floor elevation is three (3) feet above ordinary high water mark of the wetland.
- (3) Docks or walkways shall be elevated six (6) to eight (8) inches above the ordinary high water mark or six (6) to eight (8) inches above the ground level, whichever is greater.
- (4) Access across a wetland shall be by means of a boardwalk and only upon approval of a wetland alteration permit.

Subd. 6. Wetland Alteration. An applicant for a wetland alteration permit shall adhere to the following principals in descending order of priority:

- (1) Avoiding the direct or indirect impact of the activity that may destroy or diminish the wetland;
- (2) Minimizing the impact by limiting the degree or magnitude of the wetland activity and its implementation;
- (3) Rectifying the impact by repairing, rehabilitating, or restoring the affected wetland environment;
- (4) Reducing or eliminating the impact over time by preservation and maintenance

operations during the life of the activity; and

- (5) Compensating for the impact by replacing or providing substitute wetland resources or environments.

A wetland alteration permit shall not be issued unless the proposed development complies with the provisions of the Mitigation Section of this Ordinance as well as the standards, intent, and purpose of this Ordinance. If the City determines that the required calculations in a particular instance are needlessly burdensome because of the area and nature of a proposal, it may agree to a substitute analysis.

Subd. 7. Permit Required. Drainage, grading, filling, burning, removal of healthy native vegetation, or otherwise altering or destroying a wetland of any size or type requires a wetland alteration permit. Activity in a wetland requiring a wetland alteration permit includes but is not limited to:

- (1) Construction of new streets and utilities;
- (2) Creation of ponds or dams and alteration of the natural drainageways of water courses. This shall only be allowed as part of a mitigation project or to restore or improve the function and value of the wetland.
- (3) Installation of boardwalks.
- (4) Creation of sedimentation and water quality improvement basins in part of a mitigation project or used to restore or improve the function and value of the wetland. These basins may not be created in "pristine" wetlands and may only be created in "natural" wetlands if the City determines that there is no reasonable alternative.
- (5) Discharge of storm water runoff in a manner that impacts the wetland.

Subd. 8. Filling. When a wetland alteration permit is issued allowing filling in a wetland, the following standards shall be followed:

- (1) Filling must be consistent with the Proctor Flood Plain Ordinance.
- (2) Filling shall not cause total natural nutrient stripping capacity of the wetland to be diminished to an extent that is detrimental to any area river, lake, or stream.
- (3) Only fill free of chemical pollutants and organic wastes may be used.
- (4) Filling shall be carried out so as to minimize the impact on vegetation.

- (5) Filling in wetland areas will not be permitted during waterfowl breeding season or fish spawning season unless it is determined by the City that the wetland is not used for waterfowl breeding or fish spawning.
- (6) Filling in wetland areas will be required to be mitigated in accordance with the requirements of this Ordinance.

Subd. 9. Dredging/Excavation/Grading. When a wetland alteration permit is issued allowing dredging, excavating, or grading in a wetland, the following standards shall be followed:

- (1) The dredging will not have a net adverse effect on the ecological and hydrological characteristics of the wetland.
- (2) It shall be located as to minimize the impact on vegetation.
- (3) It shall not adversely change water flow.
- (4) The size of the dredged area shall be limited to the minimum required for the proposed action.
- (5) Disposal of the dredged material is prohibited within the wetland area.
- (6) Disposal of any dredged material shall include proper erosion control and nutrient retention measures.
- (7) Dredging in any wetland area is prohibited during waterfowl breeding season or fish spawning season unless it is determined by the City that the wetland is not used for waterfowl breeding or fish spawning.
- (8) Dredging in wetland areas will be required to be mitigated in accordance with the requirements of this Ordinance if the activity results in a loss of functional wetland. Dredging to create water quality improvement basins may be allowed by the City where reasonable alternatives are not available or where the wetland is of low quality and designed for this purpose by the Proctor Flood Plain Ordinance.

Subd. 10. Storm Water Runoff. When a wetland alteration permit is issued allowing storm water runoff to discharge directly into a wetland, the following standards shall be followed:

- (1) An increase over the natural volume of storm water runoff from a development may be allowed when necessary for use of property, but only when it will not

have a net adverse effect upon the ecological and hydrological characteristics of the existing wetlands. The restrictions on runoff set out below shall not be exceeded. Since the total increase in runoff which can be permitted is limited, the City, when considering wetland alteration permit applications, shall consider, in addition to the following, apportionment of increased runoff opportunity to all wetland property within the surrounding wetland area.

- (2) Storm water runoff from a development may be directed to the wetland only when free of debris and substantially free of chemical pollutants and silt and only at rates which do not disturb vegetation habitat or increase turbidity. Sheet flow and other overland drainage of runoff shall be encouraged.
- (3) The allowed total increased runoff, in combination with the total fill allowed, shall not cause total natural flood storage or nutrient stripping capacity of the wetland to be reduced in a manner inconsistent with requirements established by the Proctor Flood Plain Ordinance.

Subd. 11. Mitigation.

- (a) Mitigation Intent. Where wetland alteration is approved and mitigation is required, mitigation must result in an improvement to the wetland function and value of the replacement property. Mitigation plans must address water quality and improvement and maintenance of pre-existing hydrological balance and wildlife habitat. The wetland function and value will include improvement of water quality, maintaining hydrological balance, and provision of wildlife habitat. Mitigation will be performed at ratios required by state law to achieve replacement of the wetland function and value. Mitigation will not always be based solely on an acre to acre replacement but may be based on replacement of habitat units (HU) through the use of habitat evaluation procedures. When significant improvements in the wetland value and function result, acre for acre surface area replacement may not be required.
- (b) Mitigation Standards. Mitigation of wetlands for function and value should be restored, created, and enhanced to have the following characteristics:
 - (1) Relatively stable water levels subject to natural fluctuations.
 - (2) Pretreatment of inflow water to improve quality.
 - (3) High level of upland/lowland intermingling.

- (4) A ratio of open water to aquatic vegetation between 1:1 and 1:2.
- (5) High degree of intermingling of open water and aquatic vegetation.
- (6) High level of plant species diversity.
- (7) Restoration of native plant species in upland and lowland areas.
- (8) Undisturbed upland/lowland edge (i.e., buffer).
- (9) Meandered wetland edge.
- (10) Irregular bottom contours - mix of shallow and deep water.
- (11) Shallow side and bottom slopes - preferable 10:1 to 30:1 around and within wetland; steeper slopes may be used to provide open water and greater vegetation variability.

(c) Mitigation Techniques.

- (1) Mitigation will be performed at a ratio required by state law.
- (2) Mitigation should always result in an improvement to the wetland function and value. The wetland function and value will include improvements of water quality, maintaining hydrological balance, and provisions of wildlife habitat.
- (3) Mitigation will not always be based solely on an acre to acre replacement but may be based on replacement of habitat units (HU) through the use of habitat elevation procedures (appendix) at a ratio of 2:1. When significant improvements in the wetland value result, direct surface area replacement on a 2:1 basis may not be required. The City Council will determine when wetland impact will be allowed and the nature of mitigation which will be acceptable.
- (4) Mitigation shall provide a buffer strip as set forth in this Ordinance.
- (5) Mitigation shall maintain or enhance the wetland hydrological balance through the following:
 - Restoration of deteriorated wetlands
 - Flooding of previously drained wetland basins

- Creation of new wetlands
- Enhancement of existing wetlands

- (6) Mitigation shall provide for pretreatment of water prior to its entering the wetland to improve water quality if required by the City.
- (7) Mitigation, through the buffer strip, shall provide landscaping for nesting and food for wildlife habitat. The buffer strip landscape shall provide for wildlife cover and utilize a diversity of native flora (i.e., trees, shrubs, grasses, herbaceous plants) to encourage wildlife diversity and provide visual variety.
- (8) Wetland mitigation should be undertaken on-site. If this is not feasible, mitigation should occur locally within the sub-watershed. If this is not possible, mitigation should occur outside the sub-watershed elsewhere in the City. If mitigation cannot be accomplished on-site or if the City deems it necessary to perform mitigation off-site, the applicant shall be responsible for contributing into the City's wetland mitigation fund. The mitigation performed off-site shall meet the above requirements.
- (9) The City may determine that the public interest is best served by requiring off-site wetland mitigation. When this situation arises or when the applicant is unable to restore wetlands on-site, the City will require payment into this dedicated Wetland Mitigation Banking Fund. This fund shall be used solely to create new and/or expand and improve existing wetlands according to the priorities outlined in this Ordinance. The City Council shall establish the fee structure on an annual basis. Fees shall be based upon the average price for similar property elsewhere in the City.

(d) Construction Management and Long Term Wetland Maintenance.

- (1) The permit holder shall follow the City's best management practices to minimize direct impacts due to erosion and construction practices and to safeguard wildlife habitat.
- (2) The permit holder shall conduct a monitoring program and evaluation until construction is completed. A letter of credit or performance bond from the permit holder shall be held to ensure compliance similar to any other public improvement. The City will ensure that the permit holder is delivering the wetland that was promised. The permit holder shall

demonstrate compliance with the designed wetland as-built plans.

Where feasible, the City shall require the permit holder to satisfy long term management requirements.

Subd. 12. Application and Issuance of Permit.

- (a) Wetlands Technical Panel. The City Council, City Administrator, Building Official, and/or the Planning and Zoning Commission may refer any proposed building permit, subdivision application, Conditional Use Permit, common excavation or drainage permit, or any other such situation which may be deemed by the referring person or body to adversely impact wetlands within the City of Proctor to the Proctor Wetlands Technical Panel for review. The Wetlands Technical Panel shall consist of a technical professional employee of the Minnesota Board of Water and Soil Resources, a technical professional employee of the South St. Louis County Soil and Water Conservation District, and an employee of the City of Proctor designated by the Proctor City Council. All matters referred to the Wetlands Technical Panel shall be considered by the Panel and a recommendation made thereon to the Proctor Planning and Zoning Commission.
- (b) Permit Process. The applicant for a wetland alteration permit shall furnish the information required by the City including, but not limited to, a site plan, topographical data, hydrological data, and habitat evaluation procedures for the review of a wetland alteration permit application. The Wetlands Technical Panel shall use discretion regarding the level and complexity of information required to review the request. A wetland alteration permit shall not be issued without having been first reviewed the Wetlands Technical Panel and the Planning and Zoning Commission and approved by the City Council, following the review and hearing procedures set forth for Conditional Use Permits. The applicant shall have the burden of proving that the proposed use or activity complies with the purposes, intent, and other provisions of this Ordinance.

The City Council may establish reasonable conditions which are specifically set forth in the permit to ensure compliance with requirements contained in this Ordinance. Such conditions may, among other matters:

- Limit the size, kind, or character of the proposed work;
- Require the construction of other structures;

- Require replacement of vegetation and wetland function and value;
- Establish required monitoring procedures and maintenance activity;
- Stage the work over time;
- Require the alteration of the site design to ensure buffering;
- Require the provision of a performance security.

Subd. 13. Inspection of Work. The City may cause inspection of work for which a wetland alteration permit is issued, at the applicant's expense, to be made periodically during the course of such work and shall cause final inspection to be made following the completion of the work.

Subd. 14. Expiration and Renewal of Permit.

- (a) Unless otherwise specified by the City Council, the person issued a wetland alteration permit shall begin and complete the development authorized by the permit within one (1) year after the date the City Council approves the permit application.
- (b) The permittee shall provide written notice to the City twenty-four (24) hours prior to the commencement and completion of the development project. No project shall be deemed to have been completed until approved by the City after receipt of notice of completion.
- (c) If the permittee fails to commence work on the development within the time specified in this section, the permit shall be void. The City Council may renew a void permit at its discretion. If the City Council does not renew the permit, the holder of the void permit may make original application for a new permit.
- (d) The permittee may make written application to the City Council for an extension of the time to commence work, but only if the permittee submits the application prior to the date already established to commence work. The application of an extension shall state the reasons the permittee requires an extension.

Subd. 15. Exemptions. Activities exempted by Minnesota Statutes 103G.2241 from State Wetlands Protection shall be exempted from the provisions of this Ordinance. However, certificates of exemption must be obtained from the City and filed with the County Recorder prior to starting work. The statutory exemptions include, but are not limited to:

- (1) Activities necessary to repair and maintain existing public or private drainage systems as long as wetlands that have been in existence for more than twenty (20) years are not drained.
- (2) Activities authorized under and conducted in accordance with an applicable general permit issued by the United States Army Corps of Engineers under Section 404 of the Federal Clean Water Act, United States Code, Title 33, Section 1344, except that nationwide permit in Code of Federal Regulations, Title 33, Section 330.5, paragraph (a), clause (14), limited to when a new road crosses a wetland, and all of clause (26).
- (3) Placement, maintenance, repair, enhancement, or replacement of utility or utility-type service, including the transmission, distribution, or furnishing, at wholesale or retail, of natural or manufactured gas, electricity, telephone, or radio service or communications if :
 - The impacts of the proposed project on the hydrological and biological characteristics of the wetland have been avoided and minimized to the extent possible; and
 - The proposed project significantly modifies or alters less than one-half (½) acre of wetland.
- (4) Activities associated with routine maintenance of utility and pipeline rights-of-way; provided, the activities do not result in additional intrusion into the wetland.
- (5) Alteration of a wetland associated with the operation, maintenance, or repair of an interstate pipeline.
- (6) Activities associated with routine maintenance of existing public highways, roads, street, and bridges; provided, the activities do not result in additional intrusion into the wetland and do not result in the draining or filling, wholly or partially, of a wetland.
- (7) Emergency repair and normal maintenance and repair of existing public works; provided, the activity does not result in additional intrusion of the public works into the wetland and does not result in the draining or filling, wholly or partially, of a wetland.
- (8) Normal maintenance and minor repair of structures causing no additional intrusion of an existing structure into the wetland, and maintenance and repair of private crossings that do not result in the draining or filling, wholly or partially, of a wetland.

- (9) Development projects and ditch improvement projects in the state that have received preliminary or final plat approval or infrastructure that has been installed or having local site plan approval, conditional use permits, or similar official approval by the City or other approving governmental body or agency after August 1, 1987.

Subd. 16. Variances. Variances from the requirements of this Ordinance may be granted in accordance with the variance provisions of §1002.17 of the Proctor City Code.

Subd. 17. Enforcement Procedures.

- (a) Violation of this Ordinance or of the terms of a permit issued thereunder shall be a misdemeanor punishable by ninety (90) days in jail and/or a Seven Hundred Dollar (\$700.00) fine.
- (b) Any person who alters a wetland in violation of this Ordinance shall apply for a wetland alteration permit and shall pay a filing fee double the regular fee. The City Council may require the violator to restore the wetland or take other mitigative measures.
- (c) Wetland reviews conducted by the City shall be coordinated with State of Minnesota Wetland Protection statutes and rules.
- (d) Notice of requested wetland alteration permits shall be mailed to all property owners located within 500 feet of the requested activity. Notification requirements established by State of Minnesota Wetland Protection statutes and official rules shall be coordinated with City approval.

Subd. 18. Definitions.

- (1) Buffer Strip means an area of nondisturbed ground cover abutting a wetland left undisturbed to filter sediment, materials, and chemicals.
- (2) Class A Wetlands means wetland types 3, 4, 5, 6, 7, and 8. In cases of wetlands adjoining public water designated as lake or pond, this class shall also include type 2 wetlands. A type 2 wetland shall also be deemed Class A wetland when adjoining a stream designated as public water to the extent that it encroaches upon the 100-year floodplain of the stream.
- (3) Class B wetlands means type 2 wetlands not adjoining public water designated as lake or pond nor within the 100-year floodplain of a stream designed as public

water.

- (4) Habitat Evaluation Procedures (HEP) is a species-habitat data management system for impact assessment developed by the U. S. Fish and Wildlife Service. Its purpose is to document predicted impacts to fish and wildlife from proposed land and water resource development projects. Habitat quality for selected key species is described by an index, the Habitat Suitability Index (HSI).
- (5) Habitat Suitability Index (HSI) is a fish or wildlife species-specific index value rating the ability of key habitat components to supply essential life requirements for the species. Index value ranges between 0 to 1.0.
- (6) Habitat Units (HU). Habitat Suitability Index (HSI) multiplied by the area of habitat being evaluated. HUs are used for comparing habitat quality from one wetland to the next or for measuring the effectiveness of mitigation. HUs integrate both quality and quantity of habitat.
- (7) Principal Structure. The main building as distinguished from an accessory building or structure.
- (8) Utilized. Utilized water bodies created for the specific purpose of surface water runoff retention and/or water quality improvements. These water bodies are not to be classified as wetlands even if they take on wetland characteristics. Wetland alteration permits shall not be required to undertake work on these water bodies.
- (9) Vegetation, Native. Native vegetation is the pre-settlement group of plant species native to the North American continent which were not introduced as a result of European settlement.
- (10) Wetlands means lands transitional between terrestrial and aquatic systems where the water table is usually at or near the surface or the land is covered by shallow water. For purposes of this definitions, wetlands must have the following three attributes:
 - (1) Have a predominance of hydric soils;
 - (2) Are inundated or saturated by surface or ground water at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in saturated soil conditions; and
 - (3) Under normal circumstances support a prevalence of such vegetation.
 - (4) Wetlands do not include types 3, 4, and 5 wetlands, as defined in U. S.

Fish and Wildlife Service Circular No. 39, (1971 edition), not included within the definition of public water, that are 22 or more acres in size.

- (11) Wetlands, Ag/Urban. Wetlands that have been influenced by agricultural or urban (residential, commercial, or industrial) land usage are called Ag/Urban. Influences include: over nurturification, soil erosion and sedimentation, and water quality degradation. As a result of these influences there is a loss of plant species diversity, overcrowding and domination by invasive species such as reed canary grass, and reduction of wildlife habitat.
- (12) Wetlands, Natural. Natural wetlands are still in their natural state and typically show little sign of impact from surrounding land usage. The vegetative community of these wetlands are characterized by a diversity of plant species with mixed dominance of species. Other key factors include: presence of natural indicator species, good wildlife habitat, and being aesthetically pleasing.
- (13) Wetlands, Pristine. Wetlands that exist in a natural state and have special and unusual qualities worth protecting at a high level are call Pristine. These qualities include: outstanding vegetation community, native species population, rare or unusual species present, and habitat for rare wildlife species.
- (14) Wetland Types means classifications of wetlands as defined in U. S. Department of Interior, Fish and Wildlife Service, Circular 39, "Wetlands of the U. S. 1956."
- (15) Wetland Watershed means that area of land from which water drains into a Class A or Class B wetland.

904. Abandoned Personal Property.

904.01 Definitions.

- (1) **Abandoned Property.** Wrecked or derelict property having no value other than nominal salvage value, if any, and which has been left unprotected from the elements and/or is visible from any other property and shall include wrecked, inoperative or partially dismantled trailers, boats, machinery, refrigerators, washing machines, plumbing fixtures, furniture, and any other similar articles which has no value other than nominal salvage value, if any. Abandoned property does not mean or include an abandoned motor vehicle;
- (1) **Public Property.** Lands and improvements owned by the United States government, the state of Minnesota, the county of St. Louis, or the city of

1000 - Land and Building Regulations

1001. Subdivision Regulations

1001.01. Definitions. For the purpose of this chapter, the terms below are defined as follows:

- (1) Subdivision or Subdivide. The term "subdivision or subdivide" means the subdivision of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development or, if a new street is involved, any division of a parcel of land; provided that a division of the land for agricultural purposes into lots or parcels of five acres or more and not involving a new street shall not be deemed a subdivision. The term includes resubdivision and, when appropriate to the context, shall relate to the process of subdividing or to the process of subdividing or to the land subdivided.
- (2) Streets and Alleys. The term "street" means a way for vehicular traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, drive, or however otherwise designated. The following shall be types of streets:
 - (a) Arterial streets and highways are those which are used primarily for fast or heavy traffic.
 - (b) Collector streets are those which carry traffic from minor streets to the major system of arterial streets and highways, including the principal entrance streets of a residential development and streets for circulation within such a development.
 - (c) Minor streets are those which are used primarily for access to the abutting properties.
 - (d) Marginal access streets are minor streets which are parallel to and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.
 - (e) Alleys are minor ways which are used primarily for vehicular service access to the back or the side of properties otherwise abutting on a street.
- (3) Engineer. The term "engineer" means the City Engineer or engineering consultant of the Council.
- (4) Pedestrian/Bicycle Ways. The term "pedestrian/bicycle ways" means paved ways for the exclusive use of pedestrians and/or bicycle riders.

1001.02. Procedure.

Subdivision 1. Pre-application.

- (1) Previous to the filing of an application for conditional approval of the preliminary plat (preliminary subdivision plan or general subdivision plan), the subdivider shall submit to the Planning Commission plans and data as specified in §1001.07. This step does not require formal application, fee, or filing of the plat with the Planning Commission.
- (2) Within 15 days of submission, the Planning Commission shall inform the subdivider that the plans and data as submitted or as modified do or do not meet the general objectives of these regulations. When the Planning Commission finds the plans and data do not meet the general objectives of these regulations, it shall express its reasons therefor. Approval under this subdivision does not constitute approval of any type of preliminary or final plat.

Subd. 2. Conditional Approval of Preliminary Plat.

- (1) On reaching conclusions informally as recommended in subd. 1 above regarding the general program and objectives, the subdivider shall cause to be prepared a preliminary plat, together with improvement plans and other supplementary material as specified in §1001.05.
- (2) Twelve copies of the preliminary plat and supplementary material specified shall be submitted to the Planning Commission with written application for conditional approval at least 25 days prior to the meeting at which it is to be considered. The Planning Commission shall give notice of public hearing on the preliminary plat by at least ten days published notice in the official newspaper and shall submit copies of the preliminary plat and supplementary material specified to the Public Utilities, Flood Control Commission, Police Department, and Fire Department for a report upon the features of the plat of concern to each department, and to the City Engineer for his report upon the accuracy of the surveys, the adequacy of the monuments, the proposed street improvements, other special features of concern, and to check the plat boundary survey with the county surveyor to determine the coinciding of the plat boundary lines with the boundary line of adjoining plats, tracts, or other subdivision lines or markers.
- (3) The Planning Commission shall hold the hearing and receive testimony from persons interested in the plat and either during the hearing or at its conclusion shall review other data submitted in response to the requests in Paragraph (2) above.
- (4) Following: (a) review of the preliminary plat and other material submitted for

conformity thereof to these regulations; (b) testimony at the hearing and agency response; and (c) recommended changes deemed advisable and the kind and extent of improvements to be made, the Planning Commission shall, within 40 days of initial submission, act thereon as submitted or modified and shall make recommendations in regard to the plat and its reasons therefor.

- (5) The action of the Planning Commission shall be noted on three copies of the preliminary plat, referenced and attached to any conditions determined. One copy shall be returned to the subdivider, one retained by the Planning Commission, and one sent to the City Council for its action.
- (6) Conditional approval of a preliminary plat shall not constitute approval of the final plat (subdivision plat). Rather, it shall be deemed an expression of approval to the layout submitted on the preliminary plat as a guide to the preparation of the final plat which will be submitted for approval of the Planning Commission and for recording upon fulfillment of the requirements of these regulations and conditions of the conditional approval, if any.

Subd. 3. Final Plat.

- (1) The final plat shall conform substantially to the preliminary plat as approved and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat which he proposes to record and develop at the time; provided, however, that such portion conforms to all requirements of these regulations.
- (2) Applications for approval of the final plat shall be submitted in writing to the Planning Commission at least 15 days prior to the meeting at which it is to be considered.
- (3) The Planning Commission shall make recommendations to the City Council which shall act to approve or disapprove the plat. Such

action shall be taken within 60 days of initial application for final plat approval.
- (4) Five copies of the final plat and other exhibits required for approval shall be prepared as specified in §1001.07, and shall be submitted to the Planning Commission within six months after approval of the preliminary plat; otherwise, such approval shall become null and void unless an extension of time is applied for and granted by the Planning Commission.

1001.03. Design Standards.

Subdivision 1. Application. All plats shall comply with the design standards set forth in this section.

Subd. 2. Community Unit Development. The design standards of this section may be modified in the case of a plan utilizing an unusual concept of development which meets the requirement of and has gained approval under §1002.15 subd. 5, the Community Unit Development Section. The Community Unit Development provision is intended to encourage original and imaginative subdivision design which preserves the natural amenities of the site and provides for the general welfare of the City. All modification of the subdivision regulations shall conform with the Community Unit Development requirements of the zoning chapter.

Subd. 3. Dedication of Lands for Public Purposes. The developer shall dedicate a reasonable portion of the subdivision to the public for use as public streets, roads, sewers, electric, gas and water facilities, storm water drainage and holding areas for ponds, and similar utilities and improvements. In addition, the developer shall dedicate a reasonable portion of the subdivision to the public or preserve the same for public use at the option of the Council as parks, playgrounds, trails, or open space; provided, however, that the City may chose, at its option, to accept an equivalent amount in cash from the developer for all or part of the portion required to be dedicated for such public use based upon the fair market value of the land no later than at the time of final approval. Any cash payments received hereunder shall be placed in a special fund which shall be used only for the purposes of acquisition of additional open spaces described above or maintenance thereof. In determining what is a reasonable portion of the subdivision to be dedicated, the Council shall consider all relevant factors relating to the subdivision, including the additional burden to be placed upon City's public facilities as set forth herein.

Subd. 4. Natural Features. Existing natural features which would add value to the subdivision and the City such as trees, steep slopes, watercourses, historic spots, and similar irreplaceable assets, shall be preserved, insofar as possible, through harmonious design of the subdivision.

Subd. 5. Streets. The Council shall not approve any plat unless all streets shown thereon are designed and located as to accommodate the probable volume of traffic thereon, afford adequate light and air, facilitate fire protection, provide access of fire fighting equipment to buildings, and provide a coordinated system of streets conforming to the City street plan and shall specifically comply with the following:

- (1) In the case of subdivision for commercial, industrial, and public purposes, no street giving access upon a major street shall be located closer than 100 feet along the same side of such major street, to any other driveway, or public or private street in the same or another subdivision.

- (2) Local streets shall be so planned as to discourage through traffic.
- (3) Cull-de-sacs shall normally not be longer than 400 feet, including a turnaround which shall be provided at the closed end with an outside curb radius of at least 40 feet and a right of way radius of not less than 50 feet.
- (4) Alleys shall not be provided in residential districts but shall be included in commercial and industrial areas where needed for loading and unloading or access purposes.
- (5) The minimum distance between center lines of parallel or approximately parallel streets intersecting a cross street from opposite directions shall be 125 feet.
- (6) Intersections of more than two streets at one point shall be avoided.
- (7) Dead-end streets shall be prohibited unless provided with a turnaround or cull-de-sac arrangement.
- (8) Right of way requirements may be increased for specific thoroughfares if existing or anticipated traffic flow warrants it or if drainage easements parallel such thoroughfares. Such increased width will be set by the Council after recommendation of the Planning Commission and engineer.

STREET DESIGN STANDARDS

	Major Streets	Collector Streets	Local Streets	Cul-de-Sacs	Pedestrian/ Bike Ways
Right of Way Width	80	70	50	50	10
Paving Width	44	40	28	28	8
Maximum Grade Subject to approval of City Engineer	3%	4%	5%	5%	
Maximum Angle for Intersection	90°	80°	70°	70°	"
Minimum Curb Radius	35'	12'	12'	12'	"

Horizontal Alignment
(Minimum Radii of
Center Line)

--SUBJECT TO APPROVAL OF CITY ENGINEER --

Vertical Curves (Minimum Sight Distance)	500	350	200	100
--	-----	-----	-----	-----

Subd. 6. Blocks. Blocks shall ordinarily not exceed one 1,000 feet in length. Where it is necessary for blocks to exceed this length, pedestrian ways and/or easements may be required near the center of the block.

Subd. 7. Lots. The lot and yard sizes shall conform with the requirements of the City zoning regulations, §1002, and the lot shall be designed in accord with the following design standards:

- (1) Every lot shall be provided with access adequate for the use of public safety vehicles and other public and private street system, improved in accordance with this Ordinance, and connected to the general street system.
- (2) Side lines of lots shall be approximately right angles to straight streets and on radial lines on curved streets. Some variation from this rule is permissible, but pointed or very irregular lots shall be avoided unless it is clearly evident that such variation shall improve the overall neighborhood design.
- (3) Double frontage lots shall be avoided.
- (4) When a tract is subdivided into larger than required building lots and there is no covenant preventing resubdivision of the lots, such lots or parcels shall be so arranged as to permit a logical location and opening of future streets and resubdividing with provisions for adequate utility connections for each subdivision.

Subd. 8. Easements. Shall be required at a minimum of 20 feet. Where a subdivision is traversed by a water course, there shall be provided a storm water easement or drainage right-of-way of width sufficient for the purpose.

Subd. 9. Water and Sewer Systems. The water supply and sewage disposal systems for

the subdivision shall meet the design standards and requirements of the City and all regulations promulgated by the Minnesota Department of Health.

Subd. 10. Commonly-Owned Conservation Areas. The developer may include areas within the plat which are to be commonly-owned and which are to be set aside and not improved in order to preserve the natural features thereof. The City, in its discretion, may permit the developer to deviate from the minimum lot size requirements after consideration of the commonly-owned conservation areas. Provided, however, that the aggregate deviation from the minimum lot size permitted by virtue of commonly-owned conservation areas shall not exceed the size of such commonly-owned conservation areas.

1001.04. Improvements.

Subdivision 1. General. All of the required improvements specified in this section shall be constructed in accordance with the City standards for construction and all other applicable City, county, and state regulations.

Subd. 2. Monuments and Markers. Concrete monuments shall be set at the intersection of all lines forming angles in the boundary of the subdivision. Iron or steel markers shall be set at the beginning and ending of all curves along street property lines, at all points where lot lines intersect curves, either front or rear, at all angles in property lines of lots, and at all other lot corners.

Subd. 3. Streets. The streets shall be graded if required by the Planning Commission to the grades and dimensions shown on plans and profiles and approved by the Planning Commission and shall include the following improvements:

- (1) Suitable drainage structures, culverts, storm sewers, ditches, and related installations shall be provided to insure adequate drainage of all points along the streets.
- (2) Concrete curbs and gutters shall be required on all streets.
- (3) The base course shall consist of latest Minnesota Department of Highways approved material having a thickness of not less than eight inches. The Council shall have the right to determine whether this thickness is adequate for the type of street that has been proposed.
- (4) "Blacktop" paving, as specified by the engineer, shall be required on all streets.
- (5) Street shoulders shall be constructed which are uniformly and thoroughly

compacted by rolling and level with tops of curbs.

Subd. 4. Sidewalks. Paved sidewalks shall be installed along all streets.

Subd. 5. Storm Drainage. The construction of a storm drainage system shall conform to the following requirements:

- (1) Drainage ditches or channels shall have a minimum gradient of 1 percent.
- (2) Open watercourses shall have adequate capacity and erosion control to insure safe and healthful disposal of storm water.
- (3) When top soil has been removed from the surface of a lot on a slope where erosion will cause a displacement of loose material, the subdivider shall be required to seed or provide other means to prevent the wash from damaging adjacent property or accumulating on street surfaces.

Subd. 6. Water Supply. Where public water supply is available, as determined by the Planning Commission, the subdivider shall connect to such public water supply and construct a system of water mains with a connection for each lot. Where public water is not available:

- (1) The subdivider shall supply acceptable evidence of the availability of water. The subdivider may be required to make one or more test wells in the area to be platted if such evidence is deemed not acceptable. Copies of well logs from said test wells which are obtained shall include the name and address of the well driller and shall be submitted with the plan to the Council.
- (2) If a private water supply is permitted, individual private wells shall be located at least 25 feet from property lines, 50 feet from all septic tanks, approximately 100 feet from all tile disposal fields and other sewage disposal facilities, 10 feet from all cast iron sewer lines, 30 feet from any vitrified sewer tile lines, and shall not be located within any floor plan.

Subd. 7. Sewers. Where the municipal sewer system is reasonably accessible to the subdivision, the subdivider shall provide the subdivision with a complete sanitary sewer system to be connected to the municipal sanitary sewer. Where the municipal sewer system is not reasonably accessible to the subdivision and in, the judgment of the Planning Commission, extension of the municipal sewage system to the subdivision will not take place in the foreseeable future, private sewage disposal systems on individual lots consistent with all City, county, and state regulations applicable thereto.

Subd. 8. Utilities. Every lot in a subdivision shall be capable of being served by utilities, and easements acceptable to the utility companies shall be provided. Electric, gas, and other utility distribution lines shall be installed within public rights of way or within properly designated easements. To the fullest extent possible, underground utility lines shall be encouraged but not installed beneath existing or proposed paved areas.

Subd. 9. Trees. Trees shall be planted or existing trees maintained along the streets. The location and types of trees must meet the approval of the Planning Commission.

Subd. 10. Street Signs. Street name signs of a type adopted or approved by the Planning Commission shall be installed at each street intersection by the subdivider on a location specified by the engineer.

1001.05. Pre-application Plans and Data. The following information shall be submitted prior to the submission of the preliminary plat:

- (1) General subdivision information shall describe or outline the existing conditions of the site and the proposed development as necessary to supplement the drawings required below. This information shall include, but is not necessarily limited to, data on existing covenants, land characteristics, available community facilities and utilities, and information describing the subdivision proposal such as number of residential lots, typical lot width and depth, price range, business areas, playgrounds, park areas, other public areas, proposed protective covenants, and proposed utilities and street improvements.
- (2) Location map shall show the relationship of the proposed subdivision to existing community facilities which serve or influence it. Include development name and location, main traffic arteries, public transportation lines, shopping centers, elementary and high schools, parks and playgrounds, principal places of employment, other community features such as railroad stations, airports, hospitals and churches, title, scale, north arrow, and date.
- (3) Sketch Plan on topographic survey shall show in simple sketch form the proposed layout of streets, lots, and other features in relation to existing conditions. The sketch plan may be a free-hand pencil sketch made directly on a print of the topographic survey. In any event, the sketch plan shall include either the existing topographic data showing prevalent water flows, general slopes of the lands and anticipated wetlands.

1001.06. Preliminary Plats.

Subdivision 1. Data for Preliminary Plats. The following information shall be submitted as a basis for the preliminary plat and shall include existing conditions as follows, except when otherwise specified by the Planning Commission:

- (1) Boundary lines: bearings and distances.
- (2) Easements: location, width, and purpose.
- (3) Streets on and adjacent to the tract: name and right-of-way width and location; type, width, and elevation of surfacing; any legally established center-line elevations; walks, curbs, gutters, culverts, etc.
- (4) Mailbox location in cul-de-sacs: in the event that the planned improvement contains cul-de-sac(s), the location of all mailboxes to be installed in the cul-de-sac(s) must be identified, and all of said mailboxes shall be gang mailboxes. The mailboxes shall be installed in the location(s) depicted on the preliminary plat.
- (5) Utilities on and adjacent to the tract: location, size and invert elevation of sanitary, storm, and combined sewers; location and size of water mains; location of gas lines, fire hydrants, electric and telephone pole, and street lights; if water mains and sewers are not on or adjacent to the tract, indicate the direction and distance to and size of nearest ones, showing invert elevation of sewers.
- (6) Ground elevations on the tract, based on a datum plane approved by the City Engineer: for land that slopes less than approximately 2 percent, show spot elevations at all breaks in grade, along all drainage channels or swales, and at selected points not more than 100 feet apart in all directions; for land that slopes more than approximately 2 percent, either show contours with an interval of not more than 5 feet if ground slope is regular and such information is sufficient for planning purposes or show contours with an interval of not more than 2 feet if necessary because of irregular land or need for detailed data for preparing plans and construction drawings.
- (7) Subsurface conditions on the tract, if required by the Planning Commission: location and results of tests made to ascertain subsurface soil, rock and ground water conditions, depth to ground water unless tests pits are dry at a depth of five feet, location and results of soil percolation tests if individual sewage disposal systems are proposed.
- (8) Other conditions on the tract: water courses, marshes, rock outcrop, wooded areas, isolated preservable trees one foot or more in diameter, houses, barns, shacks, and other significant features. No plat will be approved for a subdivision which covers an area subject to periodic flooding or which contains extremely poor drainage facilities and which make adequate drainage of the streets and lots

impossible.

- (9) Other conditions on adjacent land: approximate direction and gradient of ground slope, including any embankments or retaining walls, character and location of buildings, railroads, power lines, towers, and other nearby non-residential land uses or adverse influences, owners of adjacent unplatted land; for adjacent platted land refer to subdivision plat by name, recordation date, and number and show approximate percent built-up, typical lot size, and dwelling type.
- (10) Photographs, if required by the Planning Commission: camera locations, directions of views and key numbers.
- (11) Zoning on and adjacent to the tract.
- (12) Proposed public improvements: highways or other major improvements planned by public authorities for future construction on or near the tract.
- (13) Key plan showing location of the tract.
- (14) Title and certificates: present tract designation according to official records in office of appropriate recorder, title under which proposed subdivision is to be recorded with names and addresses of owners, notation stating acreage, scale, north arrow, datum, benchmarks, certification of registered civil engineer or surveyor, date of survey.
- (15) Commonly-Owned Conservation Areas. Location, dimensions, and notable natural features.
- (16) Wetlands. Any and all wetlands required to be delineated by state or federal law must be identified on the preliminary plat.

Subd. 2. Form of Preliminary Plat. The preliminary plat shall be at a scale of 200 feet to 1 inch or larger (preferred scale of 100 feet to 1 inch). It shall show all existing conditions required in subd. 1 above and shall show all proposals including the following:

- (1) Streets: names, right-of-way and roadway widths, approximate grades and gradients, similar data for alleys, if any.
- (2) Other rights-of-way or easements: location, width, and purpose.
- (3) Location of utilities, if not shown on other exhibits.
- (4) Lot lines, lot numbers, and block numbers.

- (5) Sites, if any, to be reserved or dedicated for parks, playgrounds, or other public uses.
- (6) Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other non-public uses, exclusive of single-family dwellings.
- (7) Minimum building setback lines.
- (8) Site data, including number of residential lots, typical lot size, and acres in parks, etc.
- (9) Title, scale, north arrow, and date.

Subd. 3. Other Preliminary Plans. When required by the Planning Commission, the preliminary plat shall be accompanied by profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision, typical cross sections of the proposed grading, roadway, and sidewalk, and preliminary plan of proposed sanitary and storm water sewers with grades and sizes indicated. All elevations shall be based on a datum plane approved by the City Engineer.

Subd. 4. Protective Covenants. Proposed protective covenants whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development shall be submitted with the preliminary plat.

1001.07. Final Plats.

Subdivision 1. Final Plat Data and Form. The final plat shall be drawn in ink on tracing cloth, or modern day replacement, on sheets 30 inches wide by 18 inches long and shall be at a scale of 100 feet to 1 inch or larger. Where necessary, the plat may be on several sheets accompanied by an index sheet showing the entire subdivision. For large subdivisions the final plat may be submitted for approval progressively in contiguous sections satisfactory to the Planning Commission. Additionally, the applicant shall provide to the Planning Commission at least five (5) 11' by 17' paper copies of the final plat prior to approval and one signed and recorded paper copy with recording information thereon after approval and recording have been accomplished. The final plat shall show the following:

- (1) Primary control points, approved by the City Engineer, or descriptions and "ties" to such control points to which all dimensions, angles, bearings, and similar data on the plat shall be referred.
- (2) Tract boundary lines, right-of-way lines of streets, easements, and other rights-of-

way, and property lines of residential lots and other sites; with accurate dimensions, bearings or deflection angles, and radii, arcs, and central angles of all curves.

- (3) Name and right-of-way width of each street or other right-of-way.
- (4) Location, dimensions, and purpose of any easements.
- (5) Number to identify each lot or site.
- (6) Purpose for which sites, other than residential lots, are dedicated or reserved.
- (7) Location of description of monuments.
- (8) Reference to recorded subdivision plats of adjoining platted land by record name, date and number.
- (9) Certification by surveyor or engineer certifying to accuracy of survey and plat.
- (10) Certification of title showing that applicant is the land owner.
- (11) Statement of owner dedicating street, rights-of-way, and any sites for public uses.
- (12) Title, scale, north arrow, and date.

Subd. 2. Street Cross Sections. There shall be submitted with the final plat street cross sections and profiles drawn to City standard scales and elevations and shall be based on a datum approved by the City Engineer. The profiles and cross sections shall be approved by the City Engineer.

Subd. 3. Other Data. Such other certificates, affidavits, endorsements, or deductions as may be required by the Planning Commission in the enforcement of these regulations. (For fees, see §1003.01 subd. 2.)

Subd. 4. Deadline for Recording. The final plat and any and all necessary exhibits shall be properly recorded with the County Recorder's Office within six months after approval thereof; otherwise, such approval shall become null and void unless an extension of time is applied for and granted by the Planning Commission.

1001.08. Variance.

Subdivision 1. Hardship. Where the Planning Commission finds that extraordinary hardships may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done and the public interest secured; provided that such variation will not have the effect of nullifying the intent and purpose of the general community plan or these regulations.

Subd. 2. Conditions. In granting variances, the Planning Commission may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements so varied or modified.

Subd. 3. Multiple Hearings. Whenever multiple hearings relating to the same property take place on the same date as hearings required under this chapter, the applicant shall be obligated to pay only the highest applicable application fee.

1001.09. Inspection. When the plans of street and other improvements have been approved as provided in this chapter, the subdivider shall first notify the Clerk of his intention to proceed with the construction or installation of said streets and improvements; notification shall be made at least one week before any such construction or installation shall commence so as to give the City officials an opportunity to inspect the site prior to commencement of work and to inspect installation or construction of said streets and improvements during the course of work being performed. In order to defray a part of the costs incurred by the City in inspecting the installation of the improvements required by this chapter, the subdivider shall, before he proceeds with any construction or installation, present a certified check or money order made payable to the Council in an amount equal to 1-1/2 percent of the engineer's estimate of the cost of the improvements.

1001.10. Maintenance. Prior to any street or other improvement being accepted by the City as hereinafter provided, the subdivider shall post a maintenance bond and/or other security naming the City as obligee in an amount deemed adequate by the Council to insure maintenance of said improvements for a period of a least 12 months from the date of acceptance by the City.

1001.11. Acceptance. After streets and improvements have been installed and constructed pursuant to the requirements contained in this chapter and in the event that the subdivider desires to have the City accept said streets or improvements, the subdivider shall notify the proper City officials that the construction or installation has been completed and shall supply the City with a minimum of five copies of the as-built plan on which the street or improvement in question has been constructed or installed. The five copies of the plan shall show thereon the signatures of all agencies and individuals who have approved the plan and contain a notice thereon as to where and when the plan was recorded in the county register of deeds office. The portion of street or improvement which the subdivider desires to have the City accept shall be shaded or colored in

yellow on each of the five copies. The plan shall also clearly designate the number of lineal feet of said street or improvement which the subdivider desires to be accepted by the City.

1001.12. Conveyance of Property by Metes and Bounds. No land within the City shall be conveyed by metes and bounds or by reference to an unapproved registered land survey made after April 21, 1961, or to a plat not approved under City subdivision regulations; nor shall such conveyance be recorded in the office of the county recorder, except for those exceptions set forth in Minnesota Statute §462.358 subd. 4b paragraphs (1) through (6). Provided, however, that where the Council finds compliance with the foregoing restriction will create unnecessary hardship and failure to comply does not interfere with the purpose of the subdivision regulations, the Council may waive such compliance by adoption of a resolution to that effect and the conveyance may then be made and filed or recorded.

1001.13. Building Permits. No building permit shall be issued by the City for work on any land or lot which is described and/or conveyed in violation of §1001.12 or any other provision of this chapter or Minnesota Statute §462.358. (See §1003.01, et seq., regarding applicable codes and fees.)

1002.01. Definitions. For the purpose of this chapter, certain terms used herein are defined as follows:

- (1) Accessory Use or Structure. A use or structure on the same lot with and of a nature customarily incidental and subordinate to the principal use or structure.
- (2) Attachment. An extension of or increase to the floor area or height of an existing building or structure meeting building code standards.
- (3) Boardinghouse. A building other than a hotel where, for compensation and by prearrangement for definite periods, meals or lodging and meals are provided for five or more persons, but not exceeding fifteen persons.
- (4) Dwelling. Any building or portion thereof which is designed for or used for residential purposes. For the purposes of this subpart, a dwelling shall have an outside width of 20 feet at its narrowest point and shall be placed upon a permanent foundation which complies with all applicable manufacturer's specifications, building or other codes, and the City Code.

Manufactured homes meeting the width and foundation requirements set forth above and that otherwise fully comply with applicable codes shall be considered dwellings. Mobile homes shall be defined as those manufactured homes which do not meet the minimum width requirements of this definition. Mobile homes shall be regulated

by other provisions of the City Code limiting their placement to mobile home parks or other such specialized uses.

- (a) One-Family. Detached residential dwelling unit designed for and occupied by one family only.
- (b) Two-Family. A detached residential building containing two dwelling units designed for occupancy by not more than two families.
- (c) Multiple-Family. A residential building designed for or occupied by three or more families, with the number of families in residence not exceeding the number of dwelling units provided.
- (4) Family. One or more persons related by blood, adoption, or marriage, living and cooking together as a single house-keeping unit, exclusive of household servants. A number of persons but not exceeding two living and cooking together as a single housekeeping unit though not related by blood, adoption, or marriage shall be deemed to constitute a family.
- (5) Filling Station, Gas Station, or Service Station. Any building, structure, or land used primarily for the dispensing, sale, or offering for sale at retail of any automobile fuels, oils, and accessories, including lubrication of automobiles and replacement or installation of minor parts and accessories.
- (6) Home Occupations.
 - (A) Permit Required. No person required to obtain a permit as provided herein shall engage or conduct a home occupation in any dwelling unit within the City of Proctor not otherwise zoned for said use without first obtaining a permit to do so.
 - (B) Permit Requirements. Home occupations shall require a permit if any of the following circumstances would occur more than 90 days each year.
 - (i) Customers visiting the premises.
 - (ii) Manufacture of products on the premises.
 - (iii) More than one vehicle associated with the home occupation which is classified as a light commercial vehicle.
 - (iv) A vehicle(s) used in the home occupation, and parked on the premises, which exceeds a three-quarter ton payload capacity.

(C) Definitions used in this Code:

- (i) "Home occupation" means the use of dwelling unit for gainful employment through the manufacture of or providing the sale of goods and/or services.
- (ii) "Dwelling unit," except as hereinafter specifically limited, means any living unit contained within a dwelling and occupied by a person or family as a residence.

(D) It is the intent of this Ordinance to permit in dwelling units only those home occupations that are compatible with other permitted uses and character of residential neighborhoods. No home occupation shall be permitted in any building containing more than one dwelling unit or where the owner(s) of the building do not reside therein. Only one permit per dwelling unit shall be generally allowed, provided that the City Council may allow a resident's request for no more than two such permits in a single dwelling unit if the combined operation of the two permitted uses does not otherwise violate the provisions herein.

(E) Application and Permit Fee. All applicants for a permit for home occupations shall file with the City Clerk a written application for each such permit on forms to be prescribed by the City. The application shall be submitted by the City Clerk to the Fire Chief, the Building Inspector, and such other City inspectors as may be appropriate. The approval or disapproval of the Fire Marshal and all City inspectors shall be delivered to the City Clerk within 15 working days from the date the application is received by the Clerk. The appropriate permit fee shall accompany each application. All permits shall be reviewed by the Planning Commission. The Commission's recommendations on each such permit shall be submitted to the City Council for the Council's consideration.

The annual permit fee shall be subject to the City Schedule of Charges and Fees and in addition to the annual permit fee, any additional costs incurred by the City in processing any application shall be borne by the applicant and shall be paid prior to the issuance of the permit. All applications for renewal shall be submitted to the City Clerk, together with applicable fee, not later than the 1st day of December prior to the effective renewal date. Any annual renewal inspection required of the permitted premises by the City Building Official shall be performed immediately after the renewal application is received by the City. The permit shall run from January 1 of each calendar year, regardless of when the permit was obtained, until December 31 of each calendar year.

(F) **Regulation and Performance Standards.**

- (i) No one other than a member of the immediate family occupying the dwelling unit shall be employed on the licensed premises at any time.
- (ii) **Sign.** Home Occupations shall be permitted one sign which shall not exceed five (5) square feet in size. If the sign is double faced, both faces of the sign may contain a graphic message, but the total area of any face of the sign shall not exceed five (5) square feet. The sign may be located upon the dwelling in which the occupation is conducted, or it may be placed in the front yard of the premises with a minimum set back from the front property line of fifteen (15) feet.
- (iii) No home occupation shall be conducted in an accessory building except in an attached or detached garage.
- (iv) No home occupation shall create substantial additional traffic. More than 20 vehicles coming to the licensed dwelling unit for service or products in any one day shall constitute substantial additional traffic.
- (v) Any need for parking shall be met off the street and other than in the required front yard. Any planned use of backyards for parking shall be detailed in the application for permit.
- (vi) No home occupation shall cause an increase in sewer, electric, or water usage to the extent that the combined total use for the licensed dwelling unit exceeds the normal average for comparable residences within the City.
- (vii) There shall be no storage of any kind of equipment, materials, supplies, or products used or manufactured under the permit which are visible from the outside of any buildings on the licensed premises.
- (viii) No use of the licensed premises shall result in a change in fire rating of the dwelling unit or the fire district in which the licensed dwelling unit is located.
- (ix) All licensed dwelling units shall retain their residential look,

appearance, and character; and the appearance of any such dwelling unit shall not be altered so as to change its residential look, appearance, and character. No home occupations shall be conducted in the licensed dwelling unit which alters the residential character of the dwelling unit, either by the use of colors, materials, construction, lighting, or the use of advertising signs (other than those specifically permitted).

- (x) No home occupation shall be conducted in the licensed dwelling unit which results in the emission of sounds, odors, noises, vibrations, heat, glare, or electrical disturbances which constitute a nuisance to other property owners within the City.
- (xi) An area equivalent to no more than twenty (20) percent of the gross floor space of the dwelling unit, including the basement and garage, shall be used in the conduct of a home occupation.

In calculating the gross floor space devoted to a home occupation, the following rules shall apply:

- (a) Any room located in the dwelling unit or an attached garage in which such home occupation is carried out shall be included in its entirety in the calculation; and
 - (b) If such home occupation is carried on in a detached accessory building, only those portions actually devoted to the home occupation shall be included in the calculation.
- (xii) No equipment or process shall be used in such home occupation which creates noise, vibration, glare, fumes, odor, or electrical interference detectable to the normal senses off the lot. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises.
- (xiii) There shall be no fire, safety, or health hazards.
- (xiv) A home occupation shall not include the repair of internal combustion engines, body shops, machine shops, welding, ammunition manufacturing, or other objectionable uses as determined by the City. Machine shops are defined as places where raw metal is fabricated using machines that operate on more than one hundred twenty (120) volts of current.

- (xv) The City Council may add any additional requirements that it deems necessary to insure that the operation of home occupation will be compatible with nearby land uses.
- (G) Hours of Operation. No home occupation, except family day care homes, shall receive the public in any licensed dwelling unit before 7:00 a.m. or after 9:00 p.m. of any day.
- (H) Revocation. Every permit granted hereunder may be revoked by the City Council for a violation of any provision of this Ordinance or of any ordinance, law, statute, or regulation; provided, however, no such revocation shall become effective until the permittee has been given ten days notice by mail or personal service of the Council's intent to revoke said permit. If within said ten day period the permittee shall request a hearing on a proposed revocation, the revocation shall not become effective until the Planning Commission has held a hearing regarding the matter and made its recommendations to the City Council. After revocation, no permit shall be granted for the same dwelling unit during the three month period following the effective date of any such revocation.
- (I) Penalties. Any person violating any provision of this Ordinance shall upon conviction thereof be guilty of a misdemeanor.
- (7) Lot. Land occupied or to be occupied by a building and its accessory buildings or by a dwelling group and its accessory buildings, together with such open space as are required under the provisions of this chapter for a building site in the district in which such lot is situated and having its principal frontage on an improved street.
- (8) Lot, Corner. A lot abutting upon two or more streets at their intersection.
- (9) Lot, Double Frontage or Through Lot. A lot having a frontage on two streets as distinguished from a corner lot.
- (10) Lot Frontage. The front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to streets shall be considered frontage and yards shall be provided as indicated under Yards in this section.
- (11) Lot Depth. The depth of a lot shall be considered to be the distance between the midpoints of straight lines connecting the foremost points of the side lot lines in front and the rearmost points of the side lot lines in the rear.

- (12) Lot Width. The width of a lot shall be considered to be the distance between straight lines connecting front and rear lot lines at each side of the lot measured across the rear of the required front yard; provided, however, that width between side lot lines at their foremost points (where they intersect with the street line) shall not be less than 80 percent of the required lot width except in case of lots on turning circle cul-de-sacs, where the 80 percent requirement shall not apply.
- (13) Lot of Record. A parcel of land which is part of a subdivision, the map of which has been recorded in the office of the Register of Deeds of St. Louis County or a parcel of land described by metes and bounds the description of which has been recorded in the office of the Register of Deeds of St. Louis County or of the county auditor.
- (14) Mobile Home Park. A contiguous parcel of land which has been developed for the placement of no less than 25 mobile homes and is and shall continue under single ownership by an individual, firm, trust, partnership, or public or private association or corporation who shall be responsible for maintenance, operations, and control.
- (15) Motor Court or Motel. A building or group of buildings used primarily for the temporary residence of motorists or travelers.
- (16) Non-Conforming Use. A use or structure lawfully in existence on November 3, 1975, and not conforming to the regulations for the district in which it is situated.
- (17) Parking Area. An open unoccupied space used or required for use for parking of vehicles exclusively and in which no gasoline or vehicular accessories are sold or no other business is conducted and no fees are charged.
- (18) Parking Lot. An open surfaced area used exclusively for the temporary storage of motor vehicles and within which motor fuels and oils may be sold, but no vehicles are to be equipped, repaired, rented, or sold.
- (19) Parking Space. A surfaced area, enclosed or unenclosed, having a width of not less than seven feet and an area of not less than one hundred eighty square feet exclusive of driveways permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a surfaced driveway which affords a satisfactory ingress or egress for vehicles.
- (20) Parking Space, Off-Street. For the purposes of this chapter, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three

or more automobiles shall have individual spaces marked and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another.

For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all regulations of the City.

- (21) Sign. Signage within the City of Proctor shall be governed and regulated by Proctor City Code 1002.131, the Proctor Sign Ordinance.
- (22) Structure. Any building or edifice, or any constructed addition to a building or edifice that changes its external dimensions or anything not collapsible, which is placed or built in or on the ground, shall be considered a structure. Every structure shall be subject to setback requirements prescribed by the City Code. Required permits shall be obtained for structures before they are placed. Temporary storage bins or units and the like are not considered structures.
- (23) Structural Alterations. Any change in the supporting members of a building, such as bearing walls, columns, beams, or girders or any substantial changes in the roofs or exterior walls but not including openings in bearing walls as permitted by existing ordinances.
- (24) Variance. A variance is a change of the terms of the Zoning Ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the Ordinance would result in unnecessary and undue hardship. As used in this chapter, a variance is authorized only for height, area, size of structure, or size of yards and open spaces. Establishment or expansion of a use otherwise prohibited shall not be allowed by variance; nor shall a variance be granted because of the presence of non-conformities in the zoning district or uses in an adjoining zoning district.
- (25) Yard. An open space at grade between a building and the adjoining lot lines, unoccupied and unobstructed by any portion of a structure from the ground upward, except as otherwise provided herein. In measuring a yard for the purpose of determining the width of a side yard, the depth of a front yard or the depth of a rear yard, the minimum horizontal distance between the lot line and the main building shall be used. The following apply to the areas specified:

- (a) Front. A yard existing across the front of a lot between the side yard lines and being the minimum horizontal distance between the street line and the main building or any projections thereof other than projections permitted in this chapter. On corner lots the front yard shall be considered as parallel to the street upon which the lot has its least dimension.
 - (b) Rear. A yard extending across the rear of a lot between the side lot lines and being the minimum horizontal distance between the rear of the main building or any projections thereof, other than the projections of uncovered steps, uncovered balconies, or uncovered porches, and the rear lot line. On all lots the rear yard shall be at the opposite end of the lot from the front yard.
 - (c) Side. A yard between the main building and the side line of the lot and extending from the front lot line to the rear yard and being the minimum horizontal distance between a side lot line and the side of the main buildings or any projections thereto.
- (26) Outdoor advertising display means a sign which advertises goods, products, facilities, or services not on the premises where the sign is located or which directs persons to a different location from where the sign is located.

1002.02. Establishment of Districts.

Subdivision 1. Official Zoning Map. The City is hereby divided into zones or districts as shown on the Official Zoning Map which, together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this chapter.

The Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map of the City of Proctor, Minnesota," together with the date of the adoption of this chapter.

If, in accordance with the provisions of this chapter and Minnesota Statutes 462, changes are made in district boundaries or other matter portrayed on the Official Zoning Map, such changes shall be entered at Council direction with an entry on the Official Zoning Map as follows: "On (date), by official action of the City Council, the following change(s) were made in the Official Zoning Map. (Brief description of nature of change)." which entry shall be signed by the Mayor and attested by the City Clerk. No amendment to this chapter which involves matter portrayed on the Official Zoning Map shall become effective until after such change and entry has been made on said map.

Regardless of the existence of purported copies of the Official Zoning Map which may from time to time be made or published, the Official Zoning Map which shall be located in the

office of the City Clerk shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the City.

Subd. 2. Replacement of Official Zoning Map. In the event that the Official Zoning Map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the Council may, by resolution, adopt a new Official Zoning Map which shall supersede the prior Official Zoning Map. The new Official Zoning Map may correct drafting or other errors or omissions in the prior Official Zoning Map, but no such correction shall have the effect of amending the original Official Zoning Map or any subsequent amendment thereof. The new Official Zoning Map shall be identified by the signature of the Mayor, attested by the City Clerk, and bearing the seal of the City under the following words: "This is to certify that this is the Official Zoning Map as part of the Zoning Ordinance of the City of Proctor, Minnesota." Unless the prior Official Zoning Map has been lost or has been totally destroyed, the prior map or any significant parts thereof remaining shall be preserved, together with all available records pertaining to its adoption or amendment.

Subd. 3. Rules for Interpretation of District Boundaries. Where uncertainty exists as to the boundaries of districts as shown on the Official Zoning Map, the following rules shall apply:

- (1) Boundaries indicated as approximately following the center lines of streets, highways, or alleys shall be construed to follow such center lines;
- (2) Boundaries indicated as approximately following platted lot lines shall be construed as following such lot lines;
- (3) Boundaries indicated as approximately following City limits shall be construed as following such City limits;
- (4) Boundaries indicated as following railroad lines shall be construed as to be midway between the main tracks;
- (5) Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line; boundaries indicated as approximately following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines;
- (6) Boundaries indicated as parallel to or extensions of features indicated in subsections 1 through 5 above shall be so construed. Distances not specifically indicated on the Official Zoning Map shall be determined by the scale of the map;
- (7) Where physical or cultural features existing on the ground are at variance with

those shown on the Official Zoning Map or in other circumstances not covered by subsections 1 through 6 above, the Board of Adjustment shall interpret the district boundaries;

- (8) Where a district boundary line divides a lot which was in single ownership at the time of passage of this chapter, the Board of Adjustment may permit, as a special exception, the extension of the regulations for either portion of the lot not to exceed 50 feet beyond the district line into the remaining portion of the lot.

Subd. 4. Application for District Regulations. The regulations set by this chapter within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, including but not limited to the following:

- (1) No building, structure, or land shall hereinafter be used or occupied and no building or structure or part thereof shall hereinafter be erected, constructed, reconstructed, moved, or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- (2) No building or other structure shall hereafter be erected or altered:
 - (a) To exceed the height or bulk;
 - (b) To accommodate or house a greater number of families;
 - (c) To occupy a greater percentage of lot area;
 - (d) To have narrower or smaller rear yards, front yards, side yards, or other open spaces than herein required; or in any other manner contrary to the provisions of this chapter.
- (3) No part of a yard or other open space or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter shall be included as part of a yard, open space, or off-street parking or loading space similarly required for any other building.
- (4) No yard or lot existing at the time of passage of this chapter shall be reduced in dimension or area below the minimum requirements set forth herein. Yards or lots created after the effective date of this chapter shall meet at least the minimum requirements established by this chapter.
- (5) All territory which may hereafter be annexed to the city shall be considered to be in the "S" Residential District until otherwise classified.

Subd. 5. Districts Enumerated. For the purpose of this chapter, the City is hereby

divided into districts, of which there shall be ten in number, as follows:

- (1) "O/R" Open Space--Recreational District.
- (2) "S" Suburban District.
- (3) "R-1-a" One Family Residential District
- (4) "R-1-b" One Family Residential District.
- (5) "R-1-c" One Family Residential District.
- (6) "R-2" Two Family Residential District.
- (7) "R-3" Apartment Residential District.
- (8) "C-1" Retail District.
- (9) "C-2" Commercial District.
- (10) "I" Industrial District.

1002.03. Height and Area Requirements.

Subdivision 1. Standards. The height and area requirements for the district regulated by this chapter shall be those set out in the following schedule:

- (1) For buildings less than three stories in height. For three story buildings, side yards of 10 feet are required.
- (2) No side yard required except that a side yard of not less than seven feet shall be provided on the side of lot abutting a residential district.
- (3) No side or rear yard required; except, that a side yard of not less than 7 feet and a rear yard of not less than 25 feet shall be provided on the side or rear of a lot abutting a residential district.
- (4) Whenever any building on a "I" District adjoins or abuts a residential district, such building shall not exceed three stories or 40 feet in height, unless it is set back one foot from the required side and rear yard lines for each foot of additional height above 40 feet.
- (5) Front and rear yard requirements in "R-3" District are a minimum of 35 and 25

feet, respectively, except for three story buildings which shall have requirements of 40 and 30 feet, respectively.

- (6) If average depth of the lot is less than 250 feet, the minimum front yard depth required is 10 percent of the average lot depth, but not less than 10 feet.
- (7) No lot of record containing 7,500 square feet or less shall be used except for a single family dwelling or a permitted non-dwelling use.
- (8) To be computed so as to include any highway easements or parts thereof within the original parcel of land.
- (9) The Planning Commission shall make findings on each of these requirements as seen in light of the individual development, the site, and surrounding developments.

Subd. 2. Allowable Percentage of Lot Coverage. All structures placed upon a lot within the city of Proctor shall conform to the following allowable percentage of lot coverage standards:

<u>District</u>	<u>Percentage</u>
O/R	N/A
S	N/A
R-1	35 %
R-1-a	35 %
R-1-b	35 %
R-1-c	35 %
R-2	35 %
R-3	50 %
C-1	50 %
C-2	50 %
C-3	50 %
I	75 %

- (a) "R" Zones. Provided, that in any "R" Zone, no accessory structure shall exceed 1,200 square feet on any lot; provided further, that in no event shall any lot located in an "R" Zone have more than three accessory structures located upon it. An exception shall be that within "R-2" and "R-3" Zones, multiple family structures shall be allowed one single-stall motor vehicle garage per dwelling unit. In addition to such single-stall garage, there may also be allowed two additional accessory structures in "R-2" and "R-3" Zones.
- (b) "S" Zones. Provided, that in any "S" Zone, no accessory structure shall exceed

5,000 square feet on any lot; provided further, that in no event shall a lot have more than four accessory structures in total placed upon it. Only one of the accessory structures located upon such lot may exceed 1,200 square feet in size.

DISTRICT	MINIMUM LOT AREA PER FAMILY	MINIMUM LOT FRONTAGE (in feet)
O/R Open Space- Recreation	N/A	N/A
S Suburban	5 acres	250
R-1-a Residential	14,000 sq. ft.	75
R-1-b Residential	7,500 sq. ft.	60
R-1-c Residential	32,670 sq. ft.	3/4 acre (150 ft.)
R-2 Residential	1F 7,500 sq. ft. 2F 3,750 sq. ft.	60
R-3 Residential	1F 7,500 sq. ft. M.F. 1,500 sq. ft. (7) 2F 3,750 sq. ft. Eff. 380 sq. ft.	90
C-1 Commercial	As in R-3	

C-2
Commercial

None allowed

C-3
Commercial

None allowed (9)

I
Industrial

None allowed

DISTRICT	MINIMUM DEPTH OF FRONT YARD (in feet)	MINIMUM WIDTH OF EITHER SIDE YARD (in feet)	MINIMUM DEPTH OF REAR YARD (in feet)
O/R Open Space- Recreation	N/A	N/A	N/A
S Suburban	50	25	50
R-1-a Residential	35	8	25
R-1-b Residential	35	6	25
R-1-c Residential	35	6	25
R-2 Residential	35	6	25
R-3 Residential	35 (5)	6 (1)	25 (5)
C-1 Commercial		None (2)	25

C-2 Commercial		None (2)	25
C-3 Commercial	(9)	(9)	(9)
I Industrial	See (6)	None (3)	None (3)

DISTRICT	MAXIMUM HEIGHT OF BUILDINGS		ALLOWABLE PERCENTAGE OF LOT COVERED BY STRUCTURES
	STORIES	FEET	
O/R Open Space- Recreation	2.5	35	N/A
S Suburban	2.5	35	N/A
R-1-a Residential	2.5*	35	35 %
R-1-b Residential	2.5*	35	35 %
R-1-c Residential	2.5*	35	35 %
R-2 Residential	2.5*	35	35 %
R-3 Residential	3.0	45	50 %
C-1 Commercial	3.0	45	50 %
C-2	3.0	45	50 %

C-3	2.5	35	50 %
Commercial			
I	4.0	60 (4)	75 %
Industrial			

GENERAL SETBACK REQUIREMENTS

Dwellings, Primary Structures

DISTRICT	MINIMUM LOT AREA PER FAMILY	MINIMUM LOT FRONTAGE (in feet)	MINIMUM FRONT YARD DEPTH (in feet)	MINIMUM SIDE YARD WIDTH (in feet)	MINIMUM REAR YARD DEPTH (in feet)	MAXIMUM HEIGHT OF BUILDINGS	
						STORIES*	FEET*
O/R (Allowed as "C"-use §1002.13 subd. 4)	10 Acres	250	50	25	50	2.5	35
S	5 Acres	250	50	25	50	2.5	35
R-I-A	14,000 sq. ft. **	75***	35	8	25	2.5	35
R-1-B	7,500 Sq. ft.	60***	35	6	25	2.5	35
R-1-C	32,670 Sq. ft.	3/4 Acre*** (150 feet)	35	6	25	2.5	35
R-2	1F--7,500 sq. ft. 2F--3,750 Sq. ft.	60	35	6	25	2.5	35
R-3	1F--7,500 sq. ft. 2F--3,750 sq. ft. MF--1,500 sq. ft. EFF--380	60	35 (5)	6 (1)	25 (5)	3.0	45

	sq. ft.						
C-1	Same as R-3	N/A	5	5 (2)	25	3.0	45
C-2	Same as R-3	N/A	5	5 (2)	25	3.0	45
I	Not allowed		5 (6)	5 (3)	(3)	4.0	60 (4)

* See §1002.03 subd. 2 (4) for standards, restrictions, etc. regarding antennas, etc.

** Except Scott's/McGovern Addition as set forth on Zoning Map; 9,000 square feet where city water available

*** Except single lot, where owner of lot does not own other adjacent lots as of date of adoption of Zoning Ordinance, 33 foot frontage will be buildable. Does not apply where lot is sold or transferred prior to building. See §1002.03 subd. 6.

NOTES

- (1) For buildings less than three stories in height. For three story buildings, side yards of 10 feet are required.
- (2) The side yard setback is as set forth, except that a side yard of not less than seven feet shall be provided on the side of lot abutting a residential district.
- (3) No rear yard required and the side yard setback is as set forth; except, that a side yard of not less than 7 feet and a rear yard of not less than 25 feet shall be provided on the side or rear of a lot abutting a residential district.
- (4) Whenever any building on a "M-I" District adjoins or abuts a residential district, such building shall not exceed three stories or 40 feet in height, unless it is set back one foot from the required side and rear yard lines for each foot of additional height above 40 feet.
- (5) Front and rear yard requirements in "R-3" District are a minimum of 35 and 25 feet, respectively, except for three story buildings which shall have requirements of 40 and 30 feet, respectively.
- (6) If average depth of the lot is less than 250 feet, the minimum front yard depth required is 10 percent of the average lot depth, but not less than 10 feet.
- (7) No lot of record containing 7,500 square feet or less shall be used except for a single family dwelling or a permitted non-dwelling use.

- (8) To be computed so as to include any highway easements or parts thereof within the original parcel of land.
- (9) The Planning Commission shall make findings on each of these requirements as seen in light of the individual development, the site, and surrounding developments.

SPECIFIC SETBACK REQUIREMENTS
Standards for Structures, Accessory Buildings

B: Structures and Accessory Buildings

STRUCTURES AND ACCESSORY BUILDINGS	ZONE APPLICABLE	FRONT YARD SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK
Alleys, impact of	All			½ alley width may be used as part of required setback
Alley, lack of	O/R, S, all Residential		May use one side yard, minimum 9', for driveway. Other side yard must be minimum of 5'	
Apartments, Duplexes	R-2, R-3 only		Follow rules for single family zones	
Carport, canopy	All residential		5' setback from side lot line	
Corner lots*	All residential			
(a) Dwellings	R-1-A		25'	
	R-1-B - R-3		15'	

STRUCTURES AND ACCESSORY BUILDINGS	ZONE APPLICABLE	FRONT YARD SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK
(b) Detached accessory buildings (includes attached garage, front wall	R-1-A R-1-B - R-3		25' 20'	
(c) Educational, religious structure	R-1-A R-1-B - R-3		35' 25'	
Deck or porch	All			
(a) Open		May project 10' into required front yard		
(b) Closed (maximum 40 sq. ft.)		May project 4' into front yard		
Double lots (frontage)	All	Setback required on all lots with frontage		
Dwelling in "C" District (adjacent to or above commercial business	C		If abuts "R" District, must follow abutting "R" requirement for side yard	
Fire escapes, etc.	All			May project 5' into rear yard setback
Garage, lack of, see alley, lack of				

STRUCTURES AND ACCESSORY BUILDINGS	ZONE APPLICABLE	FRONT YARD SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK
Non-Conforming lots	Residential (see also §1002.03 subd. 6)			
(a) R-1-A		Lots less than 60' frontage: minimum side yard setback, 5'		
(b) R-1-B - R-2		Lots less than 50' frontage: if garage on premises, minimum <u>aggregate</u> side yard, 12'		
Projecting sills, eaves, etc. General rule: cannot project beyond a required line running along any street/road	All residential	Minimum of 18" from front yard setback	Minimum of 18" from required side yard setback (see rear yard for accessory structures)	Minimum of 18" from rear yard for main structure. Accessory structures: 2'6" minimum side yard set back measured from closest point of structure to side lot line
Rear yards, General Rules	All residential	Rear yard must be set back 60' from front property line	5' setback required from eaves of accessory structure to side lot line	See §1002.03 subd. 2 for maximum heights: 20', R-3, C-1, and above; 18', R1 and R2. Also, accessory structure must be:

STRUCTURES AND ACCESSORY BUILDINGS	ZONE APPLICABLE	FRONT YARD SETBACK	SIDE YARD SETBACK	REAR YARD SETBACK
				10' from main structure 5' from rear lot line 5' from any other structure If no accessory structure in rear yard, parking area cannot exceed 90% of required rear lot.
Walls, fences**, etc.: See §1002.03 subd. 7 and 8	All			
Filling station pumps	C, I	Pumps or islands may be in required front yard setback, but must be a minimum of 15 feet from road; 50 feet from any "R" District		

*See also §1002.03 subd. 7 (2), walls, hedges

**Cannot exceed 2½ feet in height along front except by variance in R Zone. See §1002.03 subd. 7 (9), 6 foot general restriction in height for commercial districts.

Subject to conditional use permit provided in 1002.15 of the City Code if requested setback is to be less than 5'.

Subd. 3. Exceptions for Height.

- (1) The height regulations prescribed in this article shall not apply to television and radio towers, church spires, belfries, monuments, tanks, water and fire towers, stage towers or scenery lofts, cooling towers, ornamental towers and spires, chimneys, elevator penthouses, air conditioning penthouses, skylights, smokestacks, conveyors, storage elevators and facilities, and flag poles.**
- (2) Public, semi-public, or public service buildings, hospitals, institutions, or schools, where permitted, may be erected to a height not exceeding 60 feet and churches and temples not exceeding 75 feet when the required side and rear yards are each increased by one foot for each foot of additional building height above the height regulations for the district in which the building is located.**
- (3) The limitation on number of stories shall not apply to buildings used exclusively for storage purposes; provided, that such buildings do not exceed the height in feet permitted in the district in which they are located.**
- (4) Antenna Structures. Said structures shall include any and all device or apparatus exceeding six feet in height from the ground or roof of the structure mounted to, constructed, erected, or maintained for the purpose of sending or receiving radio waves, television signals, microwave signals, or other such forms of energy utilized in wireless communication.**

Said antennas shall be considered accessory uses in all zoning districts within the City of Proctor subject to the following restrictions and standards:

- (I) With the exception of commercial broadcast and non-broadcast antennas maintained, owned, operated, and erected by commercial entities or non-profit organizations licensed and/or regulated by the Federal Communications Commission (FCC) for the purpose of broadcasting for commercial purposes or the receipt of broadcast signals for commercial purposes, shall exceed 75 feet as measured from the ground upon which said structure is anchored or immediately adjacent.**
- (ii) Provided, antenna structures erected for satellite television reception or residential reception of commercial television shall not exceed a height 15 feet above the highest point of the tallest building located upon the same parcel of land as said structure. In no case shall said antenna structures, when ground mounted, exceed 30 feet in height from the ground adjacent to the structure.**
- (iii) Satellite Television Receive Antennas, Citizens' Band Antennas, Residential Television Reception Antennas.**

- (a) In any commercial, industrial, or multi-family residential zone, such antenna structures may be located anywhere on the lot or buildings thereon.
 - (b) In a non-commercial or single family zone, subject to the provisions contained herein, such antenna structure shall be located only in the rear yard of any lot. If usable signals cannot be obtained from such rear yard, the antenna structure may be located on the side yard.
 - (c) In the event that usable signals cannot be received by locating the antenna structure on the rear or side yard of the property, such structure may be placed in the front yard or on the roof of the dwelling structure, provided that a special use permit is obtained prior to such installation. Such permit shall be issued upon a showing by the applicant that usable signals are not receivable from any location on the property other than the location selected by the applicant. No fee shall be assessed, and no public hearing shall be required for the issuance of such permit.
- (iv) **Amateur Radio Antennas.** Antenna structures owned, operated, erected, and maintained by residents of the City of Proctor for purposes of amateur radio reception and transmission and licensed therefor by the FCC shall not exceed the height limitations set forth above at clause (4) (I) and shall be placed in the priority set forth at clauses (vi) (a), (b), and (c).
- (v) **Standards.**
 - (a) In all zones, all non-commercial antenna structures shall be located and designed to reduce visual impact from surrounding properties at street level and from public streets.
 - (b) Antenna structures shall meet all manufacturer's specifications. The mast or tower shall be made of corrosive-resistant materials. The miscellaneous hardware, such as brackets, turnbuckles, clips, and similar type equipment subject to rust or corrosion, shall be protected with a zinc or cadmium coating by either galvanizing or sherardizing process after forming. These finishes are selected to guard against corrosion and to protect the elements against electrolytic action due to the use of adjoining dissimilar metals.
 - (c) Any part of the antenna structure, including but not restricted to the reflector, probe, guy wires, and signal clearness from any

electric lines, which conform to the latest edition of the National Electrical Safety Code. No attachment of any type shall be made from or to power poles owned, operated, maintained, or controlled by the Proctor Public Utility by any person owning, maintaining, using, or erecting any antenna.

- (d) Every antenna structure must be adequately grounded for protection against a direct strike of lightning with an adequate ground wire.
- (e) Guy wires and satellite antenna structures shall be considered accessory structures and shall meet setbacks for accessory structures except where it is part of a public utility.
- (f) All non-commercial antenna structures shall be required to meet the required setbacks for structure in the zone located. In addition, antennas so erected shall maintain a setback from the property line equal to 20 feet of setback for every 50 feet of antenna height (40 percent setback requirement).

Further, all antenna structure installations shall be setback from high voltage electric power lines so that there is a one to one setback ratio relative to the height of the antenna structure.

(vi) Commercial Broadcast and Non-Broadcast Antennas.

For the purposes of this Ordinance, the term commercial means a use of the antenna structure adjunct to or connected with any for-profit or not-for-profit enterprise in any manner, to include FCC regulated broadcasting entities.

(vii) Site Location Process for Commercial Antennas.

For commercial antennas, as defined at clause (vi), installing of commercial antennas shall follow the requirements of Code §1002.15 relating to conditional use permits.

(viii) Permits and Regulations.

All antenna structures above-described at clauses (4) (I-vii) shall be erected or installed within the City of Proctor as follows:

- (a) Applicants for installation of said antenna structures shall pay the applicable building permit fee required by the fee ordinances

(§1002.131 subd. 4) and shall have the plans and specifications for the proposed structure reviewed by the Building Inspector.

- (b) All commercial broadcast and non-broadcast FCC regulated installations shall be subject to approval by the FCC, if required.

Subd. 4. Exceptions for Front Yard.

- (1) The purpose of this ordinance is to render front yards setbacks relatively consistent in neighborhoods where structures do not comply with the required front yard setback. When forty (40) percent or more of the frontage on one side of the street have structures thereon, which structures have observed, with a variation of six (6) feet or less, deviation from the required front yard setback, a proposed improvement shall be allowed to be constructed, provided:
 - (a) The setback shall not be less than fifty (50) percent of the setback required by ordinances; and
 - (b) The setback shall not be less than the lesser of the setbacks on the two adjoining lots.
- (2) On lots having double frontage, the required front yard shall be provided on both streets.
- (3) An open, uncovered porch or paved terrace may project into a required front yard for a distance of not more than 10 feet. An enclosed vestibule or fixed canopy with a floor area of not more than 40 square feet may project into a front yard for a distance not to exceed 4 feet.
- (4) Filling station pumps and pump islands may be located within a required yard; provided, that they are not less than 15 feet from any street line and not less than 50 feet from the boundary of any residential district.
- (5) The ordinary projections of sills, belt courses, cornices, eaves, awnings, overhangs, and ornamental features may extend to a distance not to exceed 18 inches into a required front yard.
- (6) In the "I" District, if a lot is less than 250 feet in average depth, the required front yard shall be 10 percent of the average depth of such lot; provided, that in no event shall the front yard be reduced to less than ten feet.

Subd. 5. Exceptions for Side Yards.

- (1) On a corner lot the minimum depth of the yard between the side street property line and the structure shall be not less than that shown in the table below:

<u>Structure Use</u>	<u>Zoning</u>	<u>Districts</u>
	"R-1-a"	"R-1-b" thru "R-3"
For Dwellings	25'	15'
Detached accessory buildings and front wall of attached garage	25'	20'
Educational, religious, institutional, and recreational buildings	35'	25'

Provided, however, that the buildable width of a lot of record on date of adoption shall not be reduced to less than 60 feet.

- (2) No accessory building shall project beyond a required line along any street.
- (3) Where dwelling units are erected above commercial establishments, no side yard is required except when required for the commercial building on the side of a lot adjoining a residential district.
- (4) A porte-cochere, carport, or canopy may project into a required side yard; provided, that every part of such porte-cochere, carport, or canopy is unenclosed, except for necessary structural supports and not less than 5 feet from any side lot line.
- (5) For the purpose of side yard regulations, a two-family dwelling, multiple dwelling, or two dwelling shall be considered as one building occupying one lot.
- (6) Where a lot of record on date of adoption is less than 60 feet in width, no side yard shall be less than 5 feet.
- (7) The ordinary projections of sills, belt courses, cornices, eaves, awnings, overhangs, and ornamental features may extend to a distance not to exceed 18 inches into a required side yard.
- (8) Where no garage facilities are provided and the alley is not developed for access at the time the dwelling is constructed in an "R-1-b" or "R-2" District, there shall

be provided one side yard of a minimum of 9 feet for a driveway and the other side yard shall have a minimum width of 5 feet.

- (9) On the lots in the "R-1-b" or "R-2" Districts having a frontage of 50 feet or less upon which a garage is provided, the aggregate of the side yards may be 12 feet.

Subd. 6. Exceptions for Rear Yard.

- (1) Where a lot abuts upon an alley, one-half of the alley width may be considered as part of the required rear yard.
- (2) An accessory building may not occupy in excess of 30 percent, and unenclosed parking spaces may not occupy in excess of 90 percent, of the area of a required rear yard; but no accessory building or private swimming pool shall be closer than 10 feet to the main building, or any dwelling no closer than 5 feet to any rear lot line, nor closer than 2 feet 6 inches to any side property line, nor closer than 60 feet to the front property line, except where an improved alley does not exist at the rear of the yard.

Provided, that the measurement from the accessory building to the side property line, which cannot be closer than 2 feet 6 inches, shall be measured from that portion of the accessory building closest to the side property line.

- (3) The ordinary projections of sills, belt courses, cornices, and ornamental features may extend to a distance not to exceed 18 inches into a required rear yard.
- (4) Open or lattice-enclosed fire escapes, outside stairways and balconies opening upon fire towers, and the ordinary projections of chimneys and flues into a rear yard may project for a distance not to exceed 5 feet when these are so placed as not to obstruct light and ventilation.

Subd. 7. Exceptions for Lot Area Per Family. Where a lot of record on date of adoption was held under separate ownership from adjoining lots and has less area or width than required by this article, such lot may nonetheless be used for a one-family dwelling or for any non-dwelling use permitted in the district if it has a width of 33 feet or more. Other area requirements shall be complied with to the maximum extent possible.

Subd. 8. Fences, Walls, and Hedges.

- (1) **Standards.** All fences, walls, and other screening, which is not natural growth or foliage and which is erected within the City of Proctor, shall be subject to all the requisites of the Proctor City Code with respect to construction standards,

building code fees, site plans, and the like. Fences shall be constructed so as to have the most improved side of the fence facing the public.

- (2) Intersections in Residential Districts. On a corner lot in any residential district, nothing shall be erected, placed, planted, or allowed to grow in such a manner as to materially impede vision between a height of 2-1/2 feet and 10 feet above the centerline grades of the intersecting streets in the area bounded by the street lines of such corner lots and a line joining points along said street lines 50 feet from the point of the intersection.
- (3) Fences, Walls, and Hedges. Notwithstanding other provisions of this chapter, fences, walls, and hedges may be permitted in any required yard or along the edge of any yard; provided that no fence, wall, or hedge along the sides or front edge of any front yard shall be over 2-1/2 feet in height; further provided that no fence, wall, or hedge shall be placed or constructed within 5 feet of an alley right-of-way.
- (4) Fences in Side and Rear Yard. No fence, hedge, or wall, other than a retaining wall, along a side line of a lot in a residential district shall be higher than 6 feet unless any part above such a height has at least 50 percent of the surface uniformly open and unobstructed or unless the adjoining lot is not in a residential district.
- (5) Residential Fences. Fences constructed in any of the following residential districts:

R-1-a, R-1-b, R-1-c, R-2, R-3

shall not be constructed of barbed wire. This regulation shall apply to any fence in a side yard, rear yard, or front yard. Barbed wire may be allowed in "C" or "M" districts only as set forth at 11 (a) of this subdivision.

- (6) Fences Restricting Access from the Front to the Rear Yard. Those instances where a fence exists as an enclosure which restricts access from the front to the rear yard, a gate or other such means of recognizable ingress shall be provided. The location of such ingress points shall be positioned at any point paralleling the front lot line, between the side lot property line and the principal structure.
- (7) Electric Fences. Fences in "S," Suburban, and "O/R," Open Space Districts, shall conform to the restrictions set forth above for residential zones; provided that electric fences shall be permitted in the "S" or "O/R" district when related to farming.

(8) Construction and Maintenance.

- (a) Every fence shall be constructed in a substantial work-manlike manner and of substantial material reasonable suited for the purpose for which the fence is proposed to be used. No constructed fence may have boards, planks, or panels larger than 12 inches in width.
- (b) All fences, except hedge fences, in front yards shall be constructed of chain link or wood fencing. Such materials as wire mesh, hog wire, welded wire, and straight wire will not be allowed in front yards. Fencing for the remainder of the yard may be constructed of chain link, wood, hog wire, or welded wire. No fences likely to cause harm to persons will be permitted.
- (c) Every fence shall be maintained in a condition of reasonable repair and shall not be allowed to become and remain in a condition of disrepair or danger or constitute a nuisance, public or private. Any such fence which is, or has become, dangerous to the public safety, health, or welfare is a public nuisance, and the Building Official shall commence proper proceedings for the abatement thereof.
- (d) Link fences, wherever permitted, shall be constructed in such a manner that no barbed ends shall be at the top.

(9) Commercial and Industrial District Fences. Fences in all commercial and Industrial districts shall not exceed 6 feet in height except that:

- (a) Boundary line fences abutting other zoning districts shall conform to those conditions applying to the most restrictive district.
- (b) Fences which are erected primarily to secure a particular given area may have arms not to exceed 36 inches in length located a minimum of 7 feet and a maximum of 8 feet above the ground surface. The term "arms" shall be defined as those supports extending above the main fencing upon which barbed or electric wire may be placed.

(10) Special Purpose Fences. Fences for special purposes and fences differing in construction, height, or length may be permitted in any district in the City of Proctor by issuance of a Conditional Use Permit approved by the Planning Commission and the City Council. Findings shall be made that the fence is necessary to protect, buffer, or improve the premises for which the fence is intended.

An amortization period of 60 days shall be established for the removal of all non-conforming fences stipulated in §1002.03 subd. 7.

(11) Harmful Fencing. Hazardous fences and walls such as barbed wire, electrical fences [except as allowed in (7)], fences with security arms and walls with protruding sharp edges, and other fences designed for or likely to cause harm to persons are declared hazardous and are prohibited in the City except as follows:

- (a) Security fences, as defined in (9 b) with top barbs will be permitted in the City for security reasons on commercial and Industrial property, but only if a special permit is issued by the Building Official.
- (b) Fencing on non-residential property required for screening exterior storage may exceed the limitations herein, but only by a special permit issued by the Planning Commission. See subd. 7 (10) above regarding Conditional Use Permits. The permit process to be used is that set forth at §1002.15 subd. 2

Subd. 9. Accessory Buildings. No accessory building shall be erected in any required yard, and no separate accessory building shall be erected within 5 feet of any other building.

Subd. 10. Access. Every building hereafter erected or moved shall be on a lot adjacent to a public street, and all structures shall be so located on lots as to provide safe and convenient access for servicing, fire protection, and required off-street parking.

1002.031 "O/R" Open Space/Recreational District.

Subdivision 1. Generally. The regulations set forth in this section or set forth elsewhere in this chapter, when referred to in this section, are the regulations in the "O/R" Open Space/Recreational District.

Subd. 2. Permitted Uses. A building or premises in the "O/R" Open Space/Recreational District shall be used only for the following purposes; provided, however, that no use shall be allowed which will be likely to directly or indirectly pollute, impair, or destroy critical environmental features:

- (1) Management and utilization of forest resources;
- (2) Non-intrusive livestock grazing or other farm operation; each such farm parcel shall measure at least 20 acres in size;
- (3) Compatible recreational uses;

- (4) Services, utilities, and ancillary structures intended to serve the principal permitted use.

Subd. 3. Conditional Use Permit Process.

- (1) In addition to the uses permitted above at subd. 2, said District shall also be governed by the conditional use permit process at §1002.15, et seq., of this Code.
- (2) Planning Commission Review. The Planning Commission, in determining the acceptability and approval of any "O/R" District conditional use permit, shall follow the procedures outlined in §1002.15 and shall require that any such conditional use protect and preserve the Open Space/Recreational character and appeal of the property; no such use shall be allowed which will be likely to directly or indirectly pollute, impair, or destroy critical environmental features.
- (3) Conditional Uses Permitted. The only conditional uses permitted in the "O/R" District shall be as follows:
 - (a) Cemetery;
 - (b) Non-intrusive recreation development;
 - (c) Campground (public or commercial);
 - (d) Riding stable;
 - (e) Hospital, clinic, or other medical treatment facility;
 - (f) Community building or recreation area;
 - (g) Golf course.
 - (h) Single family residence occupied by owner, renter, or manager of any allowed conditional use or O/R use. Said residence shall comply with all zoning regulations applicable to the "S" District.

Subd. 4. Minimum Parcel Size. Each parcel within the "O/R" District shall be a minimum of ten acres except as otherwise required herein.

1002.04. "S" Suburban District.

Subdivision 1. Generally. The regulations set forth in this section or set forth elsewhere in this chapter, when referred to in this section, are the regulations in the "S" Suburban District.

Subd. 2. Permitted Uses. A building or premises in the "S" Suburban District shall be used only for the following purposes; provided, however, that no use shall be allowed which will be likely to directly or indirectly pollute, impair, or destroy critical environmental features:

- (1) One-family dwelling.
- (2) Church or other place of worship or Sunday School.
- (3) Public school, elementary and high school, parochial school, or private school having a curriculum similar to that ordinarily given in public schools and having no rooms regularly used for housing or sleeping purposes, except staff quarters, when located on the premises for the school.
- (4) Universities and colleges.
- (5) Publicly owned or operated forest reserve, park, playground, or community building, seasonal camp or cabin, buildings to be located not less than 200 feet from an "R" District.
- (6) Hospital or institution of an educational, religious, charitable, or philanthropic nature; provided, that such buildings shall occupy not more than 10 percent of the total area of the lot and shall be set back from all yard lines a distance of not less than two feet for each foot of building height.
- (7) Home occupation.
- (8) Accessory building or use, customarily incident to the above uses; provided, that any such accessory building shall be erected at the same time or after the construction of the principal building.
- (9) and (10) Signs.

All signage in the "S" District is governed by the Proctor Sign Ordinance, §1002.13.

Subd. 3. Conditional Uses. See §1002.15.

1002.05. "R-1-a" One Family Residential District.

Subdivision 1. Generally. The regulations set forth in this section or set forth elsewhere in this chapter, when referred to in this section, are the regulations in the "R-1-a" One Family Residential District.

Subd. 2. Permitted Uses. A building or premises in the "R-1-a" One-family Residential District shall be used only for the following purposes; provided, however, that no use shall be allowed which will be likely to directly or indirectly pollute, impair, or destroy critical environmental features:

(1) One-family dwelling.

(2) Agricultural uses primarily for home consumption, such as domestic gardening, berry or bush crops, tree crops, flower gardening, nurseries, orchards, and apiaries, including a greenhouse, but not including a salesroom or roadside stand.

(3) Publicly owned or operated forest reserve, park, playground, or community building, museum, library, or art gallery; provided, that any such building shall be located not less than 25 feet from any side lot line.

(4) Church or other place of worship or Sunday School; provided, that any such building shall be located not less than 25 feet from any side lot line.

(5) Public school, elementary and high, university, college, parochial school, or private school having a curriculum similar to that ordinarily given in public schools; provided, that any such building shall be located not less than 40 feet from any side or rear lot; and provided further, that there shall be no rooms regularly used for housing or sleeping purposes, except staff quarters when located on the premises for the school.

(6) Home occupation.

(7) Accessory building or use, including a private garage, customarily incident to the above uses but not involving the conduct of a business; provided, that any such accessory building shall be erected at the same time or after the construction of the principal building.

(8) and (9) Signs.

All signage in the "R-1-a", "R-1-b", and "R-2" Districts is governed by the Proctor Sign Ordinance §1002.13.

Subd. 3. Conditional Uses. See §1002.15.

1002.06. "R-1-b" One-Family Residential District.

Subdivision 1. Generally. The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section, are the regulations in the "R-1-b" One-Family Residential District.

Subd. 2 Permitted Uses. The use regulations in the "R-1-b" One-Family Residential District are the same as those in the "R-1-a" One-family Residential District.

1002.06A. "R-1-c".

"R-1-c" shall follow the restrictions and requirements of "R-1-b" zones except as to height and area requirements described.

1002.07. "R-2" Two-Family Residential District.

Subdivision 1. Generally. The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section are the regulations in the "R-2" Two-Family Residential District.

Subd. 2. Permitted Uses. A building or premises in the "R-2" Two-Family Residential District shall be used only for the following purposes; provided, however, that no use shall be allowed which will be likely to directly or indirectly pollute, impair, or destroy critical environmental features:

- (1) Any uses permitted in the "R-1-a" One-Family Residential District.
- (2) Two-family dwelling provided such dwelling is under one roof and not of an add-on design such as a renovated garage.

1002.08. "R-3" Apartment Residential District.

Subdivision 1. Generally. The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section are the regulations in the "R-3" Apartment Residential District.

Subdivision 2. Permitted Uses. A building or premises in the "R-3" Apartment Residential District shall be used only for the following purposes; provided, however, that no use

shall be allowed which will be likely to directly or indirectly pollute, impair, or destroy critical environmental features:

- (1) Any use permitted in the "R-2" Two-Family Residential District.
- (2) Multiple dwellings containing 7 (seven) or fewer units per building.
- (3) Attached single family dwellings.
- (4) Signs. All signage in the "R-3" District is governed by the Proctor Sign Ordinance §1002.131.
- (5) Accessory building or uses customarily incidental to any of the uses in this subdivision; provided, that any such accessory building shall be erected at the time or after the construction of the principal building.

Subd. 3. Conditional Uses. See §1002.15.

- (1) Multiple dwelling with eight (8) or more units per building.
- (2) Day care center, rooming house, boardinghouse, bed and breakfast, and/or tourist home.
- (3) Religious, educational, charitable institution of a philanthropic nature, but not a penal or mental institution.
- (4) Hospital, sanitarium, chiropractic, medical and/or dental clinic, or other similar facility; except a criminal, mental, animal hospital, nor hospital, clinic, or group home for the mentally impaired, physically impaired, or chemically impaired (see §1002.15 subd. 4, Conditional Uses).
- (5) Nursing, rest, or convalescent home.
- (6) Private club, fraternity, sorority, or lodge, excepting one the chief activity of which is a service customarily carried on as a business.
- (7) Professional Offices. Professional offices shall include offices of attorneys, public accountants, engineers, architects, real estate agents, insurance agents, or other similar professions requiring advanced educational training and/or licensure by the State of Minnesota.

This provision does not apply to offices located within a residential structure subject to the home occupation provisions of this chapter.

(8) Accessory building or uses customarily incidental to any of the uses in this subdivision; provided, that any such accessory building shall be erected at the time or after the construction of the principal building.

(9) Light retail

1002.09. "C-1" Retail District.

Subdivision 1. Generally. The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section are the regulations in the "C-1" Retail District.

Subd. 2. Permitted Uses. A building or premises in the "C-1" Commercial District shall be used only for the following purposes; provided, however, that no use shall be allowed which will be likely to directly or indirectly pollute, impair, or destroy critical environmental features:

- (1) Any use permitted in the "R-3", except single family dwelling.
- (2) Apartment complex and condominiums.
- (3) Automobile and/or boat parking lot or storage.
- (4) Bank, credit union, or savings and loan.
- (5) Medical, dental, chiropractic, or other health care clinic, including pharmacies.
- (6) Retail sales and service establishments.
- (7) Movie theater; dance, play, or stage theater; dinner theater; gymnasiums, health clubs.
- (8) Convenience stores, including self-service gasoline, kerosene, or diesel fuel pumps or premises. Provided, all plans and specifications of the store have been approved by the Building Official and the Fire Chief and all applicable licenses, fees, and permits have been obtained. Provided further, that no motor vehicle repair work, body work, painting, or any other activity relating to the repair or reconditioning of motor vehicles shall be allowed at said store.
- (9) Hotels and motels.
- (10) Restaurants.

- (11) The storage and repair of motor vehicles by a public entity.
- (12) Outdoor advertising signs or off-site signs and signs which direct attention of the general public to a business, product, service, or commodity which is conducted, sold, or offered other than on the premises on which the sign is located.

Subd. 3. Conditional Uses.

- (A) In addition to the uses permitted above at subd. 2, the following uses may be permitted pursuant to a conditional use permit as allowed under §1002.15 of this Code.
- (B) Planning Commission Review. The Planning Commission, in determining the acceptability and approval of any conditional use permit, shall follow the procedures outlined in §1002.15 and shall require that any such conditional use protect and preserve the character and appeal of the property; no conditional use shall be allowed which is likely to substantially impact the surrounding properties in an adverse fashion.
- (C) Permitted Conditional Uses. The following may be permitted in the "C-1" Retail District as conditional uses:
 - (1) Self-service establishments such as self-service Laundromats, car washes, and dry cleaners.
 - (2) Retail amusement and video game operations, hobby centers.
 - (3) Photographic, art, television, recording, radio, or other type of studios.
 - (4) Mortuaries or funeral homes.
 - (5) An attached single family dwelling unit which is incidental to any use permitted or allowed under a conditional use permit in the "C-1" Retail District.
 - (6) Service station, motor vehicle repair facility, body shop, or paint shop. Provided, the inspection, plan review, licensing, and permitting provisions applicable to subd. 2 (8) of this section shall apply to any such use.
 - (7) Light, non-intrusive repair facilities such as sewing machine repair, small appliance repair, electronics repair, and computer repair.
 - (8) Hardware store.

- (9) Retail sales, service, and display of furnaces, hot water heaters, air conditioners, humidifiers, and related appliances, to include the light fabricating of ductwork and accessory sheet metalwork used in the installation of such appliances. In addition, wholesale sales of such appliances and fabricated products are permitted as ancillary to the retail sales permitted hereunder.
- (10) Outdoor advertising signs or off-site signs and signs which direct the attention of the general public to a business, product, service, or commodity which is conducted, sold, or offered other than on the premises on which the sign is located.
- (11) Printing and finishing of textiles and fibers into fabric goods.

Subd. 4. Height and Area Regulations. The height and area regulations set forth in §1002.03 shall apply in the "C-1" District; and, in addition, every building or portion thereof used for dwelling purposes shall comply with the side yard and lot area per family requirements of the "R-3" Apartment Residential District.

Subd. 5. Landscaping Requirements.

- (1) All exposed surfaces shall be covered with vegetation, wood chips, crushed rock, or similar cover.
- (2) Trees, shrubs, and other vegetative growth, existing or planted, must be located around the site in planters and/or in the required yards.
- (3) Off-street parking areas must be screened with vegetative growth, wood fencing, or other suitable materials.
- (4) All objectionable views must be screened with trees, shrubs, wood fencing, or other suitable materials. This requirement is mandatory where "C-1" uses abut a residential district.

Subd. 6. Buffer Area Between "C-1" and Residential Zones. There shall be a buffer area of not less than fifty feet (50') between any and all zones designated as "C-1" zones and zones designated as "R" zones. The uses otherwise permitted as of right or by conditional use in "C-1" zones shall not be allowed in said buffer area. Said buffer area shall be arranged or designed in a way to minimize the disturbance created by the uses therein to adjacent "R" districts.

1002.10. "C-2" Commercial District.

Subdivision 1. Generally. The regulations set forth in this section or set forth elsewhere in this chapter when referred to in this section are the regulations in the "C-2" Commercial District.

Subd. 2. Permitted Uses. A building or premises in the "C-2" Commercial District shall be used only for the following purposes; provided, however, that no use shall be allowed which will be likely to directly or indirectly pollute, impair, or destroy critical environmental features:

- (1) All uses allowed in C-1 except that no conditional uses shall be issued for an attached single family dwelling unit as allowed in §1002.09 subd. 3 (C) (5).
- (2) Wholesale supply and/or display.
- (3) Bowling alley; indoor rifle, pistol, or archery range.
- (4) Light repair and light fabricating; including but not limited to outdoor advertising and display shop, household appliance, dry cleaning, pressing, wholesale catering, wholesale baking, small engine repair.
- (5) Automobile, light truck, boat, and/or motor, lawn and garden repair sales and display.
- (6) Veterinary clinic and/or hospital.
- (7) Commercial laundry or car wash (non-self serve).
- (8) Trade or business school, not including industrial technical school.
- (9) College or university.
- (10) Publishing, job printing, blue-lining.
- (11) Wholesale furniture sales, furniture repair and refinishing, business or office supplies sales;
- (12) Shopping center or mall.
- (13) Mini storage facility.
- (14) Accessory buildings incidental to uses (1) to (13).

Subd. 3. Conditional Uses.

- (A) In addition to the uses permitted above at subd. 2, the following uses may be permitted pursuant to a conditional use permit as allowed under §1002.15 of this Code.
- (B) Planning Commission Review. The Planning Commission, in determining the acceptability and approval of any conditional use permit, shall follow the procedures outlined in §1002.15 and shall require that any such conditional use protect and preserve the character and appeal of the property; no conditional use shall be allowed which is likely to substantially impact the surrounding properties in an adverse fashion.
- (C) Conditional Permitted Uses.

The following may be permitted in a "C-2" Commercial District as conditional uses:

- (1) Retail lumber yard; retail plumbing, electrical, or other building supply sales and service.

Subd. 4. Buffer Area Between "C-2" and Residential Zones. There shall be a buffer area of not less than fifty feet (50') between any and all zones designated as "C-2" and zones designated as "R" zones. The uses otherwise permitted as of right or by conditional use in "C-2" zones shall not be allowed in said buffer area. Said buffer area shall be arranged or designed in a way to minimize the disturbance created by the uses therein to adjacent "R" districts.

- (1) Dying; painting; plumbing; electrical; tinsmithing automotive, light truck, and/or smaller-sized tire sales and service; ornamental iron fabrication; other light fabrication; upholstery; other general light service and repair of a similar nature.
- (2) Industrial technical school.
- (3) Wholesale nursery or greenhouse.
- (4) Licensed contractor's shop or garage; provided, no heavy equipment shall be stored nor repaired within such premises located in a C-2 zone.
- (5) Open air or cooperative produce market.

- (6) Outdoor advertising signs (off-site signs) and signs which direct the attention of the general public to a business, product, service, or commodity which is conducted, sold, or offered other than on the premises on which the sign is located.

Subd. 5. Landscaping Requirements.

- (1) All exposed surfaces shall be covered with vegetation, wood chips, crushed rock, or similar cover.
- (2) There shall be trees, shrubs, and other vegetation, existing or newly planted, located on the site.
- (3) Off-street parking areas should be screened with vegetation, wood fencing, or other suitable materials.

1002.11. "T" Industrial District.

Subdivision 1. Generally. The regulations set forth in this section or set forth elsewhere in this chapter, when referred to in this section, are the regulations in the "T" Industrial District.

Subd. 2. Permitted Uses. A building or premises in the "T" Industrial District shall be used only for the following purposes; provided, however, that no use shall be allowed which will be likely to directly or indirectly pollute, impair, or destroy critical environmental features:

- (1) All uses permitted in C-2 as permitted or conditional uses; except, those C-2 uses set forth in §1002.10 subd. 2 shall not be permitted uses in the "T" zone.
- (2) Truck stop or center.
- (3) The manufacturing of the following products:
 - (a) Ice manufacture, including dry ice.
 - (b) Pharmaceutical products.
 - (c) Clay stone and glass products.
 - (d) Concrete products (except central mixing and proportioning plant).
 - (e) Pottery and porcelain products.

- (f) Bakery products, wholesale (manufacturing permitted).
- (g) Beverage blending and bottling (all types).
- (h) Confection, wholesale (manufacturing permitted).
- (i) Dairy products.
- (j) Gelatin products.
- (k) Glucose and dextrine.
- (l) Ice cream, wholesale (manufacturing permitted).
- (m) Macaroni and noodle manufacture.
- (n) Malt products manufacture (except breweries).
- (o) Meat and fish products, packaging, and processing (no slaughtering).
- (p) Agricultural or farm implements.
- (q) Aircraft and aircraft parts.
- (r) Aluminum extrusion, rolling, fabrication, and forming.
- (s) Automobile, truck, trailer, motorcycle, and bicycle assembly.
- (t) Boat manufacture (vessels less than five tons).
- (u) Bolts, nuts, screws, washers, and rivets.
- (v) Container (metal).
- (w) Culvert.
- (x) Firearms.
- (y) Foundry products manufacture (electrical only).
- (z) Heating, ventilating, cooking, and refrigeration supplies and appliances.
- (aa) Machinery manufacture.

- (bb) Nails, brads, tacks, spikes, and staples.
- (cc) Needle and pin.
- (dd) Plumbing supplies.
- (ee) Safe and vault.
- (ff) Sheet metal products.
- (gg) Silverware and plated ware.
- (hh) Stove and range.
- (ii) Tool, die, gauge, and machine shops.
- (jj) Tools and hardware products.
- (kk) Vitreous enameled products.
- (ll) Bedding (mattress, pillow, and quilt).
- (mm) Carpet, rug, and mat.
- (nn) Hat bodies of fur and wool felt manufacture (including men's hats).
- (oo) Hosiery mill.
- (pp) Knitting, weaving, printing, finishing of textiles and fibers into fabric goods.
- (qq) Rubber and synthetic treated fabrics (excluding all rubber and synthetic processing).
- (rr) Yarn, threads, and cordage.
- (ss) Basket and hamper (wood, reed, rattan, etc.).
- (tt) Box and crate.
- (uu) Cooperate works (except cooperate stock mill).
- (vv) Furniture (wood, reed, rattan, etc.).

- (ww) Pencils.
- (xx) Pulp goods, pressed or molded (including paper-mache products).
- (yy) Shipping container (corrugated board, fiber, or wire bound).
- (zz) Trailer, carriage, and wagon.
- (aaa) Veneer.
- (bbb) Wood products.
- (ccc) Button manufacture.
- (ddd) Leather goods manufacture, but not including tanning operations.
- (4) The compounding, processing, and packaging of:
 - (a) Cosmetics and toiletries (compounding only).
 - (b) Ink manufacture (mixing only).
 - (c) Perfumes and perfumed soap (compounding only).
 - (d) Soap, wash or cleaning, powder, or soda (compounding only).
 - (e) Chocolate, cocoa, and cocoa products, processing and packaging.
 - (f) Coffee, tea, and spices, processing and packaging.
 - (g) Condensed and evaporated milk processing and canning.
 - (h) Flour, feed, and grain (packaging, blending, and storage only, with no high-rise storage elevator in excess of three stories).
 - (I) Fruit and vegetable processing (including canning, preserving, drying, and freezing).
 - (j) Grain blending and packaging, but not milling.
 - (k) Margarine (compounding and packaging only).
- (5) Other commercial operations as follows:

- (a) Creamery and dairy operations.
- (b) Planing and millwork.
- (c) Animal pound.
- (d) Building materials (cement, lime, sand, gravel, lumber, and the like), storage and sales.
- (e) Semi-tractor/trailer garage and repair shop.
- (f) Cleaning and dyeing of garments, hats, and rugs.
- (g) Coal and coke storage and sales.
- (h) Contractor's shop and storage.
- (i) Fur finishing.
- (j) Storage, repair, and/or sales of buses, heavy trucks, heavy equipment, and/or farm implements.
- (k) Industrial technical school, including internal combustion engines.
- (l) Laboratories, research, experimental, including combustion type motor testing.
- (m) Laundries.
- (n) Market, wholesale.
- (o) Printing, publishing, and engraving.
- (p) Produce and storage warehouse.
- (q) Tire retreading and vulcanizing shop.
- (r) Air, truck, rail, or other transfer terminal or yard, including airport.
- (s) Wholesale houses and distributors.
- (t) Bulk fuel and petroleum products storage facility.

- (i) The storage of such products for wholesale or retail sale by the owner of said facility where the express business and intent of the owner is to sell said products in bulk quantity sufficient to differentiate said business from convenience stores (as defined in §1002.09 subd. 2 (15) and from services stations, et seq. (as defined in §1002.10 subd. (9) shall be limited to the "I" District.
- (ii) This permitted use shall allow the owner of the facility the right to dispense, exchange, barter, and/or sell bulk fuel products at the facility in question. No other products may be dispensed, exchanged, bartered, or sold at retail or wholesale from said facility.
- (iii) Mixing and/or blending of fuels is permitted at said facility, but no manufacturing, distilling, or refining of any fuel or petroleum-based product is permitted under this subsection.
- (iv) Any storage tanks erected, placed, or constructed to facilitate the uses set forth above, whether above or below ground, shall be located a minimum of 250 feet from and "S" or "R" District and at least 100 feet from the property line of any abutting parcel of land now owned by the bulk fuel facility regulated hereunder, regardless of the zoning district.

Subd. 3. Landscaping Requirements.

- (1) All exposed surfaces shall be covered with vegetation, wood chips, or similar cover.
- (2) Trees, shrubs, and other vegetative growth, existing or planted, must be located around the site in planters and/or in the required yards.
- (3) Off-street parking areas must be screened with vegetative growth, wood fencing, or other suitable materials.
- (4) All objectionable views must be screened with trees, shrubs, wood fencing, or other suitable materials. This requirement is mandatory where "I" uses abut a residential district, open area, or major street. This requirement is optional, at the Planning Commission's discretion, where the "I" use abuts commercial or industrial uses.

Subd. 4. Buffer Area Between "I" and Residential Zones.

There shall be a buffer area of not less than fifty feet (50') between any and all zones designated as "I" and zones designated as "R" zones. The uses otherwise permitted as of right or by

- (6) Complete all other matters assigned to it by the various chapters and sections of the Proctor Code not otherwise set forth herein.

(C) Specific Duties and Functions.

(1) Special Projects. The Commission shall be provided detailed information by the City Building Official, wherever practicable, regarding any planning and zoning matters, to include proposed construction projects, including the design review, special use permit, or community unit development provisions of the Proctor City Code, Chapter 1000 and 1002.

(2) Construction Involving "R-2" Zones and Above. In each instance involving the construction of a new primary structure other than a single family residence zoned "R-2," or "R-3," requiring a permit of any type, the Building Official will present a report to the Planning Commission for review and approval prior to the issuance of any permit. In each instance involving building construction, substantial alteration, modification, or addition to property zoned Commercial, or Industrial requiring a permit of any type, the Building Official will present a report to the Planning Commission for review and approval prior to the issuance of any permit. In all other instances involving building construction, substantial alteration, modification, or addition to property in such zones, the Building Official or his designee may issue a building permit.

1002.23. Flood Plain Control. The previously adopted Flood Plain Management Ordinance of the City of Proctor is codified at §1002.23 and attached to the City Code as Appendix H and L.

1002.24. Regulation of Sub-Divisions, Transfer of Part of Parcel.

Subdivision 1. Purpose. The purpose of this section is to allow the City to ensure subdivision regulations, restrictions, and ordinances are followed relative to each transfer of real property which may be controlled by Chapter 239 of the Laws of 1983, codified as MSA §272.162.

Subd. 2. Procedure. Pursuant to MSA §272.162, each parcel of land subject to said chapter shall not be presented to and approved by the St. Louis County Auditor for transfer until said transfer and parcel have been reviewed by the City Clerk for the City of Proctor to determine if the transfer is appropriate and conforms with existing City ordinances and regulations.

1003. Building Code

Building Official of a current and valid license. No building permit shall be issued by the City to any contractor or remodeler for any project unless the licensing requirements of the statute are met or the project is exempt from the licensing requirements of the statute.

Subd. 2. Plumbing, Electrical License Required. Any plumbing or electrical contractor, plumber, or electrician as those terms are defined by Minnesota Statute §326.01, et seq., therein, shall be required to present to the Building Official of the City of Proctor proof of current compliance with the State of Minnesota's plumbing and electrical licensure procedure, to include presentation to the Building Official of a current and valid license including providing the City with proof of the bond as required by Minn. Stat. §326.40. No building permit shall be issued by the City to any plumber or electrician for any project involving improvements to commercial or rental property, or for residential properties being improved for resale unless the licensing requirements of the statute are met; the exemptions from such licensing requirements provided for by statute shall not be applicable if such exemptions are inconsistent with this Ordinance (including population exceptions).

1003A. Tree Ordinance

1003A. Tree Ordinance.

Subdivision 1. Purpose. It is the purpose of this Ordinance to promote and protect the public health, safety, and general welfare by providing for the regulation of the planting, maintenance, and removal of trees, shrubs, and other plants within the City of Proctor.

Subd. 2. Authority and Power. There is hereby created and established a City Tree Board for the City of Proctor, which shall consist of the members of the Proctor Beautification and Tree Committee.

A. City Tree Inspector. The Foreman of the City Street Department, or his designee, shall serve as the City Tree Inspector and shall report to the City Tree Board.

Subd. 3. Applicability. This Ordinance provides full power and authority over all trees, plants, and shrubs located within street rights-of-way, parks, and public places of the City; and to trees, plants, and shrubs located on private property that constitute a hazard or threat as described herein.

Subd. 4. Landscaping. In new subdivisions or when the development of commercial property occurs, the City Tree Inspector will review landscaping plans and may

require trees to be planted in any of the streets, parking lots, parks, and other public places abutting lands henceforth developed and/or subdivided.

Subd. 5. Tree Planting, Maintenance, and Removal.

A. Utilities. No street trees may be planted under or within 10 lateral feet of any overhead utility wire, or over or within 5 lateral feet of any underground water line, sewer line, transmission line, or other utility.

B. Topping. It shall be unlawful as a normal practice for any person, firm, or City department to top any street tree, park tree, or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs within the tree's crown to such a degree so as to remove the normal canopy and disfigure the tree. Trees severely damaged by storms or other causes, or certain trees under utility wires or other obstructions where other pruning practices are impractical, may be exempted from this Ordinance at the determination of the Beautification and Tree Committee. No person shall plant, remove, cut above the ground, or disturb any trees on any park, or other public place without first filing an application and procuring a permit from the City Tree Inspector. The person receiving the permit shall abide by the standards set forth in this Ordinance.

Subd. 6. Tree Protection. Upon the discovery of any destructive or communicable disease or other pestilence which endangers the growth or health of trees, or threatens to spread disease or insect infestations, the City Tree Inspector shall at once cause written notice to be served upon the owner of the property upon which such diseased or infested tree is situated, and the notice shall require such property owner to eradicate, remove, or otherwise control such condition within reasonable time to be specified in such notice.

The City Tree Inspector shall have as one of his/her duties the location, selection, and identification of any trees which qualify as "Landmark Trees." A tree may qualify for a Landmark Tree if it meets one or more of the following criteria:

- (a) Species rarity.
- (b) Old age.
- (c) Association with a historical event or person.
- (d) Scenic enhancement.